2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1



2. *Hoti.*—A tribe situated south of Gruda and extending to the lake of Scutari. It owned also large winter pastures on the plains by the Boyana, and, as do the other Maltsia e Madhe tribes, descended yearly with great flocks. But in 1913, when both Hoti and Gruda were given by the Powers to Montenegro, the frontier line deprived them of their winter pasture. The gentlemen sent to draw frontiers had their heads full only of "strategy," and would not see that they were condemning a people to die of hunger. Both Gruda and Hoti have been thus ruined.

When I knew the tribe it was all Catholic but three houses—those of the bairaktar, which became Moslem seven generations before, after winning great honour from the Turks in a fight against Dulcigno. Marash Hutzi, the hereditary surgeon of the tribe, a singularly charming and intelligent old man, told me that the ancestor of Hoti, Geg Laz, came from Bosnia, and arrived with all his family shortly after the building of the church of Gruda. On arriving they found people, "Anas," living on the land and settled among them. From these "Anas" twelve houses of Hoti trace descent, and are intermarriageable with the descendants of Geg Laz. From what part of Bosnia they came he could not tell. Geg was head of a large family group of herdsmen which trekked southward, doubtless to escape serfdom under a Moslem overlord. Geg Laz had three brothers: Piper Laz, Vaso Laz, and Krasni Laz. Piper and Vaso, as we shall see, were ancestors of the Piperi and Vasojevitch tribes, which became Montenegrin in the eighteenth century. Krasni was ancestor of the Moslem Albanian tribe Krasnichi. Thus of the four, two are now Serbophone and Orthodox; one Catholic and Albanophone, and the other Moslem and Albanophone.

Hoti, when I knew it, was the leader tribe of Maltsia e Madhe, and had earned this right by valour in war. Hoti's energy in 1878 thwarted the decree of the Berlin Congress and saved Tuzhi and the Plava-Gusinje districts from Montenegro. My poor old friend, Marash Hutzi, told how he, as a young man, had rushed round and summoned Hoti to the rescue, and put such a force on the frontier that Montenegro dared not risk occupying the districts.

Geg Laz had four sons, each of whom became head of a group ("vlaznii"). Marash gave his pedigree as in the table on the page opposite.

In few other lands in Europe can a man give the names of his forbears for three hundred years. Poor Marash, who was one of the best, died of pneumonia during the revolt of the tribes against Turkish rule in 1911. His house and all he owned was burnt. I met him in an exhausted state among the refugees. He smiled and pulled from his breast the two picture postcards I had sent him from London, the only things he had saved from the wreck. I helped him, and he begged

and gradually reforming matters, were working towards punishing them in the same manner as theft within the tribe.

The fights between Montenegro and the Turks were usually brought about in this manner. The Montenegrins raided the Turkish borders, especially Herzegovina, till the Turks sent punitive expeditions. All sheep-stealers were considered heroes.

So far as my own experience goes I never had a thing stolen from me when among the Albanian tribes; they dealt honestly by me always.

### FINES FOR OTHER MATTERS

In the case of rape the injured family may take blood; or it may compound for peace and accept about £30. The father of an illegitimate child must pay for its keep.

For killing a sheep or cattle a fine of about £2 to £3 per head.

For cutting wood in the forest of others, £2.

For stealing fruit, etc., according to value.

For putting a beast to graze on someone else's pasture, £2.

For putting beasts to graze on your own tribal pasture before the right season, £4.

(The sums given are only approximately taken at the then value of piastres.)

### INHERITANCE

No land may be sold or bequeathed to a member of another tribe or any outsider.

The possessor of land can only sell it to his nearest male relative on his father's side.

Women cannot inherit land.

The house and such land as belongs to it is inherited by all a man's sons equally. As a matter of practice they continue living in it, and the eldest son is "zoti i shpis" (house-lord). I have seen a young man of twenty-eight years ordering his old uncles about in most peremptory manner. Expressing surprise at the way they obeyed, I was told: "They must—God has made him house-lord."

Failing sons, the property belongs equally to the nearest male relatives of the deceased, who usually would be his brothers. The eldest is then house-lord.

Should a man leave a wife who has had no children, she is of no account, and must leave the house and return to her father's house. Should she have a son under the age of fifteen she remains to mind the house till he inherits it. Till he is fifteen a guardian takes charge of his affairs. At fifteen he is of age and can carry arms. If the widow has

## ALBANIA YESTERDAY AND TODAY

643 lowed by several uprisings, and, when we realize that, following the world war, Albania was pillaged by her neighbors, and, lastly, when we comprehend in some measure the tremendous task that confronted the king as the ruler of a torn and sadly mutilated country endeavoring, in the role of a new and independent nation, to struggle to its feet, and against terrific economic, social, and political odds to take its place in the family of nations, when he was called upon to face innumerable problems in organizing a government without money and to create a peaceful nation out of chaos, only then can we appreciate the great achievements of King Zog. He has met and beneficially solved the numerous post-war problems, social, political, cultural and economic, which confronted Albania, creating the necessary administration of government and freeing the country of invaders.

191 The promotion of national consciousness was pushed ahead by the use of a common language in which school-books, newspapers and literary works have to be printed, substituting for the local dialects. The law of agra-
• 423 rian reform of 1930 laid the foundation for
[565] the creation of a nationalistically-inclined
class of small peasant proprietors.

3: Redlich S-3 (no date) 1936 EG1 Albania EG1



class of small peasants proprietors. The stability of the country has been further promoted by the pacification of the outlying districts. 423

During the more recent years of the reign of King Zog, his actions and work have all tended toward the true pacification and reconciliation of divided interests, to internal union and prosperity, and to the political and social progress of Albania. 663

The work accomplished for Albania by King Zog can be outlined briefly as follows: a highway construction program; new roads built; new modern bridges constructed throughout the country; new government and public buildings erected in Tirana and other cities; better housing; greater trade relationship; increased exports and imports; general development of the country and of some of the mineral resources; establishment and stabilization of the Albanian currency; hospitals and clinics built in the various cities; codification and improving changes of the laws; the assurance of absolute safety and security throughout the country by organizing the militia and the gendarmerie, thereby giving to Albania for the first time a permanent mili-

4: Garnett B-4, 5 (ca. 1880) 1891
EG1 Albania EG1



famous of these chieftains were Kara Mohammed of Scutari, and Ali Pasha of Ioannina. The former, at the end of the last century, aimed at an independent sovereignty, which his son, Mustapha Pasha, asserted in open rebellion in 1831; and the latter, notwithstanding the frightful cruelties of which he was guilty, still lives in tale and song as the mighty upholder of Albanian independence against Ottoman tyranny. Subsequent risings have, however, resulted only in the death or banishment of the most influential members of leading families, the last *coup d'état* of this description having been carried out at Prisrend and Uskup in 1881. The great landholders are now all Moslems, the property of which the Christian proprietors were despoiled at the end of last century by Ali Pasha having, on his death, been appropriated by the Sultan.

But, whether Christian or Moslem, each section of the Albanian nation has its own traditional laws and usages by which their social life is alone regulated. The Miridites claim to have received theirs from the Dukadjini princes, who, according to them, were the ancestors of their own chieftains. Their internal government is a species of aristocratic republic, all matters affecting the community being decided in council by the chiefs, the elders, and other hereditary functionaries.

The dwellings of the Albanians are quite in keeping with the character and mode of life of their occupants. Even at Ioannina, where the customs more closely approximate to those of the Greeks, the houses have a gloomy appearance from without, being shut in by

## PEAKS OF SHALA

drop falling from a rock, the delicate sound of our breathing and of the blood in our ears.

"Which proves nothing, of course. The sound wasn't in the right direction; the echoes didn't work," said Alex.

"Yes," I said. "But I wish they had. It would have given us such delightfully shivery sensations."

So we came up out of the wood,[1] and over the next mountain, and there on a slope, where the dead grass was splotched with patches of rotting snow and the soft earth trodden by the sharp hoofs of goats, we came back with a jolt to problems of unquestioned reality. For we met a woman, herding the goats, who believes in private property.

She was a tall, dark-eyed woman, handsome, but not beautiful. Her face, as we say, was full of character; and there was independence, even a shade of defiance, in her bearing as she stood watching us approach, her chin up, her eyes cool and steady, one hand grasping a peeled branch as a staff, her ragged skirt strained against her by the wind that blew down from the mountain pass. Her thick, dark hair hung forward over her shoulders in two braids, and from each dangled a charm of bright blue beads, defense against any demon she might meet in the mountains.

"Long life to you!" she said.

"And to you long life!" we replied, and, seeing her glance fall covetously on my cigarette—only

[1] [Wood of the Ore -- Analyst]

## PEAKS OF SHALA

423 the swiftest flicker of a glance, it was—I offered
578 her one. She took it, thanked me, lighted it from mine.

"A bold woman," said Perolli.

"Why?"

[562] "In these mountains[1] the women smoke, but
[574] not before men; that is a man's privilege, and it is unwomanly to smoke in their presence. Are you a woman?" he asked her, in Albanian.

"A woman of Pultit, married in Shala. A widow with two children, demanding justice from my tribe," she said.

I looked about. There was nothing but snow and wet earth to sit on. Well, she must have been standing for hours, watching the goats. I leaned on my staff. "What justice?" said I.

She told us with a calm precision; none of her people's rhetorical flourishes. Even through the barrier of language I could see that she was stating her case as a lawyer might who was not addressing a jury.

She had been married five years; she was twenty-one years old. She had two children—boys. While she was married her husband had built a house. It was a large house; two rooms. She had helped her husband build that house. With her own hands she had laid the slate on the roof. She liked that house. She had lived in it four years. Now her husband had been killed by the Serbs and she wanted to keep that house. She wanted to live in it, alone, with her two children.

[1] [Albanian mountains] [98] Analyst]

6: Lane T-3 (no date) 1923 EGl Albania EGl



"But it is impossible!" said Perolli. "A large house, with two rooms, for one woman?" 423 578

By the Virgin Mary, she said, yes! She wanted that house; it was her house. She was going to have that house. She was not going to stop talking till she got that house.

"By Jove! I like her spirit!" said Frances. The woman stood looking from one to the other of us, defiant, superb.

"Well, but what's become of the house?" Alex demanded.

Her husband's brother, head of the family now, had taken it. He was living in it with his wife and children and brothers and cousins and —I forget exactly; seventeen of them in all. The family, which comprised all the village at the foot of the slope on which we stood, had decided that the house should be used for them. She and her children could live with them. But she would not do it. She wanted that house all for herself; she said again that it was her house. Until she got that house nothing would content her or keep her silent. Her sons she had sent to the priest's house in Plani—to the same "macaroni" who had refused us shelter. He had taken them in and promised to educate them for the priesthood. For herself, she remained in this village, clamoring for that house. If she got it before her sons were grown and married she would bring them back to live with her. She might do so, even when they were married. That did not matter; what she wanted was the house, her house, all for herself.

6: Lane T-3 (no date) 1923 EGl Albania EGl



423 "Well," said Perolli, "I pity the chiefs of that 578 village."

"But where do you suppose she got the idea?"

"Heavens knows. Who can tell what women will think of?" said Perolli.

We left her standing on the cliff edge, still superb and still defiant, the cigarette in her hand and the blue beads twinkling at the ends of her braids. A bright scarlet handkerchief was twisted around her head, and her wide belt, thickly studded with silver nails, shone like armor. A picture of revolt, and I thought what a catastrophe she must be in the peaceful village to which, clinging and dropping from bowlder to bowlder, we were descending.

"Will we see her again?" I asked.

"Oh, she'll probably drop in during the evening. She looks like a woman who would," said Perolli.

361 The village was perhaps fifteen houses, clustered on flat land at the foot of the cliffs. Beyond it, a creamy blue flood swollen by the rains, the Lumi Shala ran straight between the mountain [32] ranges. A score of little streams, stone walled and crossed by tiny stone bridges, ran through the village, and all the land on which it stood was cut into odd-shaped pieces by many stone fences and raised channels of stone for irrigation water. Dropping down into that village was rather like being a very small gnat descending on a piece of half-made honeycomb.

000 All the earth was sodden with water; we sank

## PEAKS OF SHALA

574 to help his wife cook the dinner; there was a built-up place of stone outside where the cooking fire was made. All this time we had been talking, making the courteous speeches that accompany coffee drinking, and exchanging cigarettes.

One of the empty cigarette boxes—the little, ten-cigarette, tin-foil-lined ones—I handed to a little boy, perhaps four years old. He took it gravely, thanking me like a man, and retired to look at it. But hardly had he opened the flap when I saw the hand of a chief come over the boy's shoulder and quietly take the box. The boy gave it up, not even a shade of discontent on his face, and it passed slowly from hand to hand, was inspected, marveled at, discussed. The cunningness of the folding, the beautiful design of printing and picture, the delicacy of the tissue paper that had been around the cigarettes, the pliability of the tin foil, of metal, and yet so thin, engrossed them all. When they had satisfied their curiosity and admiration, it went back to the boy, who took it with his hand on his heart, bowed, and sat for a long time looking at it.

"Have you ever seen such perfect courtesy?" said, I, marveling. "And from such a baby!"

Peroll looked at me in amazement. "Why, what's strange about it?" he asked.

423 Undoubtedly we were among the most cour-
578 teous people in the world, I thought, but the next moment that idea was completely upset,

6: Lane T-3 (no date) 1923 EGI Albania EGI



for out of the darkness walked that rebel woman who believes in private property. 423 578

She came quite calmly into the circle of the firelight, her beautiful hands low on her thighs, below the wide, silver-shining marriage belt, the blue beads twinkling at the ends of the long black braids of her hair, her chin up, and a light of battle in her eyes.

"May you live long!" said she to the circle, and, "To you long life!" we responded. But the chiefs looked at her sidewise from narrowed eyes and then again at the fire, and hostility came from them like a chill air. The children looked at her with wide, attentive eyes, chins on their hands; the sprawling, graceful, handsome youths seemed amused. Beyond the firelight, the women of the household went about their tasks; one came in and lowered from her shoulders a large, kidney-shaped wooden keg of water.

"When am I going to get my house?" said the woman. She stood there superb, holding that question like a bone above a mob of starving dogs, and they rose at it.

I have never seen such pandemonium. Three chiefs spoke at once, snarling; they were on their feet; all the men were on their feet; it was like a picture by Jan Steen changed into the wildest of futurist canvases. I expected them to fly at one another's throats, after the words that they hurled at one another like spears. I expected them to strike the woman, so violently they thrust their faces close to hers, clenching quiver-

6: Lane T-3 (no date) 1923 EGl Albania EGl



423 ing fists on the hilts of the knives in their sashes.
578 She stamped her foot; her lips curled back like a dog's from her fine, gleaming teeth, and she stood her ground, flashing back at them words that seemed poisoned by the venom in her eyes. "My house!" she repeated, and, "I want my house!" These words, the only ones I recognized, were like a motif in the clamor; Rexh and Perolli were both too much absorbed to translate, and we added to the turmoil by frantic appeals to them.

Then, suddenly as the calm after an explosion, they were all quiet. They sat down; they rolled cigarettes; the coffee maker picked up his flung-away pot and went on making coffee. Only the eyes of the chiefs were still cold and bitter, and the woman, though silent, was not at all defeated. There was a pause.

"Ask them what she wants," said I, quickly, to Perolli.

"Who can say what the avalanche desires?" replied the chief, contemptuously. "She would break our village into pieces. She has no respect for wisdom or custom. She says that a house is her house; she is a widow with two sons, and she demands the house in which she lived with her husband. She wishes to take a house from the tribe and keep it for herself. Have the mountains seen such a thing since a hundred hundred years before the Turks came? She is *gogoli*."[1]

"I helped to build that house," said the woman.

[1] Gogoli—bewitched by a demon of the mountains; insane.

## PEAKS OF SHALA

423
578 "With my own hands I laid the roof upon it. It is my house. I will not give up my house."

Frances and I hugged each other in silent convulsions of delight. My pen spilled ink on my excited hands as I tried to capture their words in shorthand. I was seeing, actually seeing with my own eyes, the invention of private property!

"What are they going to do about it?"

The question was not too tactful, nor too happily received, but they answered it. "They have already called a council of the whole village four [627] times," said Perolli. "They will do nothing about it. ⅄ Houses belong to the tribe. It is a large house, and the people have decided that her dead husband's brother shall have it for his household. She has been offered a place in it. If she does not want that, she can live wherever she likes in the tribe. No one will refuse shelter or food to her and her children. She has friends with whom she can live, since she quarrels with her husband's brother. All this is absurd, and they will not call another council to satisfy a foolish woman."

"I want my house," said the woman.

Then the oldest man—one of the little boys was playing with the silver chains around his neck, and another hung heavily against his shoulder, but his dignity was undisturbed and he was obviously chief of the chiefs—appealed to me.

609
423 "In your country, what would you do with such a woman?" And I perceived that I was

⅄ [For data on this gne - [107] vance, see cat. 116, pp. 97-101, 104-107 -- Analyst]

6: Lane T-3 (no date) 1923 EGl Albania EGl



obliged to explain to this circle of eager listeners a system of social and economic life of which they had never dreamed, of which they knew as little as we know of the year 2900.

The woman sat impassive, as unmoved as a rock of her mountains; the younger men turned, propping their chins on their elbows and looking at me attentively, and the chiefs waited with expectation. The children, settled comfortably here and there in the mass of lounging bodies, stopped their quiet playing to listen.

"Go on," said Alex, with friendly malice. "Just tell them what private property is."

"I expect sympathy, not ribald mirth," said I. "Well," I said, carefully, "tell them, Perolli, that when I say 'man' I mean either a man or a woman. It isn't quite true, of course, but I'll have to say that. Now then. In my country, a man owns a house."

"*Po! Po!*" they said, shaking their heads from side to side in the sign that in Albanian means, "Yes." "It is so here. A man owns the house in which he lives."

"No, it's not that. In my country, a man can own a house in which he does not live."

Then they were surprised. "You must have many houses in your tribe, if some are left vacant."

("Shades of the housing situation!" murmured Alex. "Shut up!" said I.)

"No," I said. "You don't understand. In my country a man owns a house. It is his very

6: Lane T-3 (no date) 1923 EGl Albania EGl



own house. He owns it always; he owns it after he is dead. He owns it when other people live in it." 423 609

"In your country dead men own houses? Dead men live in houses?"

"No. Living in a house has nothing to do with owning a house. A man owns a house; it is his house; other people live in that house, and they pay him money to be allowed to live in his house."

"We do not understand. In your country do men of the same tribe pay one another money for houses?"

"Yes."

There was always a pause after I had spoken, while they pondered.

"Ah!" they said. "In your country a man can build a house all by himself. You have one man who makes all the houses for the village, and the others divide with him the money they earn outside the tribe."

"No," I said. "In my country many men must work to build a house." And I tried to think how best to go on.

"But it is so here," they said. "Many men of the tribe build a house, and then the house is a house of the tribe."

"But it is different in my country," I insisted. "In my country the house does not belong to the tribe. It belongs to the man who owns the land on which it is built, and he pays money to the men who build it for him, and then it is his house.

423 609 Even if he lives somewhere else, it is still his house. Now in the case of this woman, the house would belong to her husband, and when he died he would give her the house, and then it would be her house. It would belong to her. The tribe would not own the house, but she would pay money to the tribe from time to time, because she had the house."

("Don't tell me you're going to explain taxation, too!" chortled the joyous Frances. "For the love of Michael, do this yourself, then!" said I.)

But the chiefs passed over the taxation idea; they stuck to the main point, though their eyes were clouded with bewilderment.

"How can a man own land?" said one, more in amazement than in question. And, "But how can a man pay another man for helping him to build a house, except by helping him as much in building another house? And when all have helped one another equally, then no man would have two houses unless every man had two houses, and that would be foolish, for half the houses would be empty," reasoned another, slowly.

It was then that the remarkable intelligence of these people began to dawn on me. For, given the experience from which he was reasoning, I consider this one of the most intelligent and logical methods of meeting a new idea that I have known. A case of almost pure logic, given his starting point.

6: Lane T-3 (no date) 1923 EGl Albania EGl

## CHAPTER VII

CAN A MAN OWN A HOUSE?—WE SING FOR OUR HOSTS OF PULTIT—DAWN AND A MEETING ON THE TRAIL—THE VILLAGE OF THETHIS WELCOMES GUESTS—LIFE OR DEATH FOR PEROLLI.

BUT my delight in this discovery of their intelligence received a violent blow almost at once, for another man—tall, keen featured, black bearded, his face framed in the folds of a white turban, red and blue stones gleaming dully in the links of the silver chains on his breast; I will never forget him—leaned forward in the firelight and said: "Such things can never be. Even a child knows that it would be foolish to own a house in which he did not live. Of what use is a house, except to live in? As it is, each man has the house in which he lives, and there are houses for all, and they belong to the tribe that built them. It is impossible that a man can own a house. It is not the nature of men to own houses, and we will never do it, for the nature of man is always the same. It is the same to-day as it was before the Romans came, and it will always be the same. And no man will ever own a house."

"Glory to your lips!" they said to him. "It is so."

6: Lane T-3 (no date) 1923 EGl Albania EGl



washed-down soil—and he felt that he was leaving enough land to the tribe to stand as his contribution, without this one small piece. That piece he wished the tribe to give to the Church. 428 794

There was also a statement from the man's wife, saying that her husband had long wished the Church to have that piece of land, and that she and her children wished it also.

"Those words are written words," said Perolli, gravely, the eyes of all upon him. "Therefore they are holy words; they are as the words of the saints."

"That is doubtless so," said one of the chiefs. "But this man was not a saint, and, besides, how can he give away land? Land belongs to the tribe of Shala." [423]

"It is not as though I wished to take the land from Shala," said Padre Marjan. "I do not want it for myself. I wish to build a school upon it, and the school will be for all the children of Shala. It will be for the good of the tribe, that their children can learn to read and write."

"Glory to your lips," said another chief. "But since it is for the children of Shala, let it be built on the land of Shala. Build our school upon it, and all our tribe will bless you."

"But this man left the land to the Church, for the welfare of his soul. It is written here upon this paper that the land belongs to the Church. It is the Church that will build the school in Thethis; I myself am already teaching your children, and even when the new teacher comes from

[Constitution]

Private property may be limited, and when the general welfare of the community calls for it, it may be expropriated by a law, which shall provide in each case what the amount of compensation shall be to the owner. 421 [425]

Likewise other branches of economy or enterprises may also be nationalized whenever the interest of the people demands or requires it. 471

Monopolies, trusts, cartels, etc., created for the purpose of imposing prices and monopolizing markets to the detriment of national economy, are prohibited.

ARTICLE 10

The land belongs to those who till it. The conditions under which an institution or a person can own land which they do not cultivate shall be established by law. 423

Large estates may under no circumstances be owned by private individuals.

The maximum amount of land that may be owned individually is determined by law.

The state especially favors and protects the small and middle peasants by its economic policy, by means of credit, and by its taxation system. 652

ARTICLE 11

The state, by means of economic and other measures, encourages the working classes to unite and organize themselves against economic exploitation. 466

The state protects the workers by guaranteeing them the right to organize, by limiting their hours of work, and by establishing minimum wages. The state supports the workers by means of social security laws and vacations with pay at the expense of the employers.

The state especially protects minors by regulating their employment. 464

TITLE III

*Rights and Duties of Citizens*

ARTICLE 12

All citizens are equal before the law. They must obey the Constitution and all laws of the land. 641

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1



A man's house, simple or elaborate, was his own, and he could do what he would with it up to a point. But he held it on conditions laid down by the Unwritten Law. This law defined a house as 'any hut or building of one, two, or more storeys that has a hearth and emits smoke', and insisted that poor house and rich house are alike inviolable. A stranger might not enter either without first hailing the master by name. If very discreet, he would call out from some distance; if bolder or on friendly terms with the family, he might lawfully enter the yard first. If no one answered his call, he must wait there or go away. On no account might he push the door open; that would make him a housebreaker. In the old days it would have cost him the usual penalties for theft, a fine of five hundred *grosh* ('piastres') for housebreaking, plus the obligation to send the family two of every article found missing after his visit, and even more recently it caused strife that might end in shooting. It was of no use for him to plead that he knew the master was from home; he knew also that somebody must have been left in the master's place.

The law allowed a man to erect a new house anywhere on his own ground, subject to the all-important provision that it did no harm to his neighbour's house and ground. In this connexion the term 'house' comprised, not only the dwelling, but also the farmyard wall or fence, and everything that this enclosed. It followed that a new house must be kept at least the width of its eaves from the neighbour's boundary to make sure that the rain dripping from them should not damage his property. The method most commonly adopted to ensure this was to leave space enough for a man to pass on foot between the new house and the neighbour's boundary. If a man wanted plenty of elbow-room, however, he might build his house as much as two *pashë* ('fathoms') from the boundary. As his visitors were as free as members of his family to use the empty space, a sizeable road was soon trodden out. Sometimes, too, a man who looked into the future left room for a road that was still non-existent but might one day be wanted by the community, in which contingency his house would otherwise have had to be pulled down and rebuilt elsewhere.

There were also a number of minor rules to be remembered in building. According to the law in Fulqet, if several men had contiguous land, they must build their houses as near as possible to the point at which their land met. Otherwise their several dogs

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl



would not recognize them and when A came to till his field, B's dog would treat him as an intruder and bite him, and he would have no legal claim to compensation for the injury. It is not known if this law obtained elsewhere, but the common sense on which it is based makes it probable that it did. Again, in the Moslem villages near enough to Elbasan to conform to the rigidity with which Moslem townsmen secluded their women, it was not permitted to make windows in a wall overlooking a neighbour's farmyard; the latter's womenfolk must be free to move about their yard unwatched. This ban on windows—which was Moslem, not Albanian—hardly extended to remoter Moslem villages, as women there enjoyed almost as much liberty as did their Christian ancestresses.

A man's ownership of his house and land was so absolute that he and his might emigrate temporarily or for good without losing their title to either house or land. Even if the family absented itself for a hundred years, no one might squat on its property. If the emigrant, before leaving, sold his land 'together with all that is on it', and one leaving for good usually did so, the piece constituting the site of the house remained his in spite of the terms of sale, and so long as one stone stood on another, no one might use the site. In Mirditë, however, a fixed term was set to this law; if the emigrant did not return within ten years, his house might be occupied by whosoever wanted it.

Every dwelling that emitted smoke might have one or more of the following accessories—yard, vegetable garden, field, road, boundary and, in suitable latitudes, vineyard. Of these the boundary and road were the most indispensable.[1] Every owner of a dwelling that emitted smoke had a right to graze his animals on the summer and winter pasturage owned by his village and to cut firewood and timber for his own use in the public coppices and forests. If he cared to build a bothy for his shepherds on a summer pasture or to break in ground for a field or vegetable garden on a common near his village, he was welcome to do so. He must first secure the consent of the elders of the village, who generally put the common weal before individual convenience. Their permission given, no one could stop his tilling the ground, nor turn him out. Theoretically every dwelling that emitted smoke should also have a portion of irrigation water, but the right to sell water often made this provision a dead letter.

[1] See Chapters VIII and IX.

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Obviously the crude and comfortless character of the Albanian house indicated a low standard of living and dire poverty in the ordinary sense of the word. But the Albanian had his compensations. He was secure in what he had, and unless he lived in an over-populated area like Dibër, he had the essentials. In alluvial areas like Myzeqe and in a few villages in the district of Mat there were big estates worked by share-croppers, but with these few exceptions the Albanian owned his house and land and need not think of rent or eviction. Since forests and commons belonged to his village or tribe and their products were free to him and his fellows, he need think only of the trouble involved in fetching his firewood and grazing his sheep. With luck he might have surplus animals to sell in a market town for money that would pay for his taxes, for clothing, for imported goods like coffee and sugar, and, costliest of all, for brides. With subsistence as his only possible aim, he need not work every day and so enjoyed a good deal of leisure. In short, although his comforts and amenities were few, so also were his worries.

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592 mother and others in her position, such as his uncle's elderly widow, might go to spend the night in her father's house. This gave him complete control over the time of the workers of the household. Whatever task he assigned the other men and the women must be performed without cavil; they must not only work as he said but go where he bade them and even marry when and whom he pleased. He spoke of them as 'my people' in English or 'my folk' in American parlance. When obliged to speak of them to the authorities or neighbours, he called any young man 'my son', any girl 'my daughter', and any married woman 'my wife' or 'my
[562] old woman'. No decent Albanian, it should be noted, ever mentions the women of his household to outsiders except under compulsion.

The master had also sole control of the family purse. Any money earned by the other men by the sweat of their brow or a windfall like a tip must be paid over to him and spent for the family's benefit. For, says the law, 'the earnings of a son are shared by his father and brothers'. Here the words 'father', 'son' and 'brothers' have not only the narrow application which we English give, but also the wider Albanian sense of relatives in the
[423] older or younger generation.[1] The farm was registered in the Land Office and popularly spoken of under the master's name, but this was only for convenience. It was owned jointly by all the men on it, and the master did not own a blade of grass more than the others
[432] did. Yet in virtue of his position he need not consult any of them if he wished to buy or sell a field, vineyard, wood or portion of irrigation water. The right to buy and sell was his alone. There were only two limitations on this right, both deriving from the simple good sense that underlies all the unwritten laws. He could not sell a sheep or goat without first securing the shepherd's permission, and if the latter preferred to give him another animal, he must accept it, for the shepherd knew the flock better than he did. Secondly, the farmer of the family, having sole charge of the plough-oxen, did not require to ask his leave if he wished to help a neighbour with his ploughing, to lend the oxen, or even to give them away outright.

As keeper of the purse the master generally went to market himself with whatever produce was for sale, and bought what he thought necessary with the proceeds. It was his duty to see that everybody in the house was as well shod and dressed as the

[1] See p. 30.

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428 592 equal of each of his father's brothers. Supposing the dead man had been one of four brothers, the three survivors and his orphan son each received one-quarter of the property. If he had left two sons, these became joint owners of his quarter share. Even if all the brothers in a communal household died before it split up, the principle of division was the same. Suppose they were three, and the eldest had ten male descendants, the second five and the third one, the property was divided into three equal parts, one for each of them, regardless of the disparity in the number of their descendants.

Division of food was relatively simple, a matter of arithmetic—so many souls, so many portions. The process of division of property was much more complicated, a thing of exact measurements and difficult calculations. As a first step the land was measured with a rope and divided into as many equal parts as there were brothers. Occasionally it was measured by pacing, the man who paced clasping his hands behind his back to steady himself and so to keep his paces equal.

When the quality of the land was uniform there was no difficulty about the actual partition by these methods. But it might happen that one field or one part of a field was better than another. Good and bad must nevertheless be shared alike by the brothers. To make this possible, what may be called the system of 'offset or compensation' came into play. Most commonly a smaller field or a smaller portion of the same field was given to the brother who got the better land, and a larger field or larger portion of the same field to the one who got the worse. The basis of calculation was the average yield of the land, this being common knowledge in the district. Size was thus offset against quality. Less often the portions were valued and the brother who got the better one paid compensation to the other; the latter was theoretically supposed to spend the money on buying himself a piece of land somewhere else.

423 428 The term 'land' included arable land, vineyards, vegetable gardens, orchards, hay meadows and enclosed lowland pastures, all of which must be divided up when the brothers separated. It did not include mountain pastures or woods and forest for firewood, fodder and timber. These remained undivided, common property for the common use of the brothers. It was rare, however, to find a joint household owning mountain pastures and forests, for these were generally held in common by a whole ward or even a whole

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village. In Çermenikë all the brothers were allowed to graze their sheep after harvest on a divided arable field as they did when it was whole and they were together; it was immaterial that one had a bigger flock than the other. At least it was immaterial in theory, but in practice they sometimes quarrelled over the grazing. Then each must set a shepherd on his own boundary to watch over his interests. Presumably the impossibility of providing shepherds enough to guard the wide boundaries of forests and mountain pastures has prevented these pieces of property from being divided up.

Two curiosities of land division are to be noted: if an arable field was very narrow, it must be divided short-ways, for if divided long-ways, the plough-oxen might not have room to turn when ploughing; sometimes, too, three brothers who were separating amicably might wish to have each of their father's fields divided in three rather than each receive one field apiece. A day might come when one of them might wish to sell his land, then there would be more inducement to keep it in the family if it immediately adjoined another brother's holding. They also wished, they said, to perpetuate the memory of their joint ownership of all the fields, and when one field was some way from another and in different hands, it was less easy to realize that once the same family had owned them all. If possible they would like to keep up their brotherly ties for a hundred years or more.

The division of the joint home was generally much more complicated. Supposing there were two brothers in a house consisting of only a sitting-room and a kitchen. By the partition method one was given the sitting-room and the other the kitchen. Since the sitting-room was manifestly superior it was valued together with the kitchen. The values were added, then divided into two, and the difference between half the total and the value of the kitchen was paid to the less lucky brother. The payment made, it was held that the old home had been equally divided between the brothers. Sometimes instead of money the offset system was used, a better portion of land being given to the brother who had received the worse part of the house. For this purpose the land as well as the house was valued, and if the former's total value was 26 napoleons, 14 napoleons' worth would go to the brother with the kitchen worth 6 and 12 napoleons' worth to the brother with the sitting-room worth 8, so giving each 20 napoleons' worth of property.

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428 older brothers had had time to acquire friends and could make
[428] their own way in the world, but the baby of the family knew nothing about anything except his father's house.

[423] After the land and the house had been divided, the boundaries between the holdings were demarcated. The house, it should be said, included land round it and also any cattle or sheepfolds.
312 When the land was under water, irrigation channels were marked
428 out at the same time as the boundaries. Where the father had possessed one field with an irrigation channel running down its whole length, his sons tapped this channel without difficulty, each digging a small transverse channel from it on his own portion of the field. Where the stream was farther off the brothers jointly dug a channel to the point where their land met, after which each made a separate channel through his own ground; by preference each took this down his own side of the little path between his field and his brother's. When the water came from above a field so narrow that it must be divided short-ways, the brother getting the lower half was entitled to dig an irrigation channel down the side of his brother's land. But the area it occupied must be measured and an equivalent amount of land subtracted from his holding and added to his brother's. It was, of course, always stream irrigation that was in question.

The period for which each brother might irrigate was also settled when they separated. This was usually a matter of simple arithmetic. If, for example, the father had had the right to irrigate for two days, each of the two brothers was given the right for one day and each of three brothers for sixteen hours. In Mirditë, where few streams could be utilized, irrigation water was divided by the oke; unfortunately there is no information available as to how this was done.

Drinking water was seldom regulated; 'God has given it' and almost everywhere in excess. There was so little in some villages near Shkodër, however, that it was divided by the jugful, at least during the dry season. When brothers separated in these villages their portion of drinking water was decided. Division was as with food, by heads, so many jugfuls per person.

428 Milling rights varied from district to district. Where they were by hours or days each brother's quota was settled on the day of separation. It was again arithmetical, each of two brothers getting half the father's period and each of three getting one-third.

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him, possession of the title-deeds made it more certain that they would fulfil the contract. On his death the deeds passed to his sons. 428 737

These were the general rules for his maintenance, but there were a few variants. In Çermenikë a man who had managed to buy a large amount of land during his working years had the right to keep this back when his sons separated and to leave it all to the son with whom he lived, to the exclusion of the others. More often than not, he allowed it to be divided up with the land he inherited. Sometimes he was still able to earn a little. In Lumë his sons treated his earnings as family property, taking the cost of his funeral out of them and dividing up the rest. In Çermenikë the son he lived with paid the whole cost of his funeral and kept all his earnings. In Mat, a relatively fertile district, a yoke of land was set aside for him. On his death his richest son paid for his funeral and took his piece of land in exchange. In Perlat an ox was set aside on Separation day for the public meal at his funeral; it was kept and worked till required by the son with whom he lived; its work was supposed to compensate this son for the other expenses of the funeral. In all areas the father's portion of land was often given by richer families to the poor or, among the Catholics, to the church.

A father had in the last resort the right to banish a son from his house, or a son might insist on hiving off against his father's wish. In either case he need not give him a portion, but when he died the son would take his proportionate share of the food and property, exactly as if he had never been expelled. A son who separated from his father in these conditions must restrict himself to any land his father might have given him and must refrain from interfering with the rest of the land or other property. The consequences of a premature division of property may be seen in the following story from Perlat. Two men made such scenes about their father's remarriage that he bade them leave his house. Of a just, or simple, disposition, he divided his property into three, keeping one-third for himself and giving one apiece to his sons. Afterwards he had two more sons by his second wife, then found he could not leave them more than his own portion of property, for land once divided cannot be taken back, says the law. So each of the two sons he loved best received only one-sixth, and each of the two sons he had come to dislike one-third, of his original property. An interesting variation of the above law is found in Kurbin. If a father gave a rebellious son a portion, he gave it only out of the land and

428 [593]

[423]

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they reminded these onlookers how everything had been divided. Then if disputes arose later between the brothers these could bear witness to the division. No documents were drawn up, the oral testimony of the witnesses in general, and in particular the mute testimony of the boundary stones, was enough for the unwritten law. Where a dead father had held title-deeds, these were distributed appropriately among the brothers, but such cases were few.

Too often, the division was followed there and then by disputes. Most frequently they were about the land and due to greed, for each brother knew that on the portion allotted to him on that day he and perhaps unborn generations of his descendants must live, and he naturally tried to make it as large as possible. Sometimes a brother was rightly disgruntled. Dividers were human enough to make mistakes; an eldest brother sometimes tried to cheat when dividing; at times even an elder showed favouritism. In such cases the division was revised, an elder dividing instead of the eldest brother or a second elder instead of the first, on the usual 'elder after elder' basis. Or instead of having one elder between them the brothers might each put in one for himself; in this case they must all stand aside and leave the elders to fight things out.

Not infrequently one brother was simply cantankerous. Then the easiest way for the elders to make him see reason was to exercise their right to have all their meals at the family's expense until their work was done. They might go away, leaving the division incomplete and refusing to return until he bent his stubborn neck and in person fetched them back with promises to be good. This meant an extra meal, an expense that even the trouble-maker deplored in his heart, if not openly. As it was, surely unfairly, shared by the reasonable brothers these were from the first careful to do nothing to excite the other further. There was no difficulty about extracting this meal, as the commonest source of trouble, the land, was always divided before the livestock.

A story of Turkish times from Godolesh shows the elders taking cruder but no less effective steps to settle matters. A family at the top of the village refused to accept the division they proposed. 'Where is your best ram?' asked the elders the first day, and ate the animal. 'Where is the pot of *bekmès* (boiled grape juice)?' they asked the second day, and emptied this. 'Where is the butter jar?' they asked the third day, and devoured that. The brothers then came to their senses and allowed the suggested division to proceed.

1 [concerning the division of land at the time of separation of brothers--Analyst]

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especially near the sea, where the soil is alluvial and stoneless, had to be thirty-two spans wide (7 yards or 6·48 metres) in order to give a pack-horse space to dodge the mud-holes in winter, when the road became a morass. Excellent examples of this type of road traverse the half-drained marshes of Ngurëzë at the mouth of the river Mat.

Mountain roads eight spans wide led to villages 'where carts had never gone'. Certain other roads led to the rare villages 'where carts had gone'. These crossed firm inland plains such as the floor of the valley of Shkrel or the plain of Nangë in Lumë; in Shkrel they had to be twelve spans wide (8 feet or 2·43 metres), and in Lumë wide enough to take a cart. A picturesque detail from Mirditë is that a 'flag-road', that is to say, a road along which a flag was carried in tribal, wedding or other processions, had to be as wide as the flagstaff was long.

Roads always followed boundaries; as a general rule, when one passed two wards or two neighbours, exactly half of it had to be in the territory of each. In other words, their boundary had to run down its exact middle. Few modifications of this law are to be noted. When fields were on a slope, the road between them was often made on the upper one. The elders laying it out had reasoned that it would gradually slip down the hill, increasing the area of the upper field and diminishing that of the lower one. When there was an irrigation channel by the road, rules varied. In Theth one neighbour left three spans of land for the channel, and the other the same amount for the adjacent footpath. Their agreement might be verbal, noted only by witnesses, or it might be written down by the priest as tribal clerk and placed in the church archives. Each neighbour had full access to path and channel alike. In Lumë, on the other hand, a path was left on both sides of an irrigation channel. These were not only for men to walk on but also for maintaining the sides of the channel, a necessary safeguard even on level ground. Each neighbour, having his own path, was less liable to quarrel with the other.

In Perlat a highway was twenty-four spans wide (16 feet or 4·86 metres), to enable a horse laden with firewood to pass another without the loads touching. Elsewhere there was no provision for two-way traffic. Road-making in our sense did not exist, and roads were merely trodden out by man or beast in the scanty space available between fields or across mountain slopes. On a typical

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road two loaded donkeys might meet and pass, but two loaded horses could not. When these met, one or the other had to step aside from the road, turning back, if need be to find a suitable place in which to do so. This was almost invariably of nature's making; there were no artificial passing places as on narrow motor roads in England.

Load generally determined priority of passage. To use Albanian phraseology, when a riding-saddle met a riding-saddle on a horse-track the one with no saddle-bags or other load besides the rider had to turn back. The riding-saddle had to make way for the loaded pack-saddle, but had priority over an empty one. When two pack-saddles met, the one loaded and the other empty, the latter had to make way for the former. When they were both loaded or both empty, the one which was nearer a possible place at which to step off the road had to turn back. The same rules applied to carts. In the rare cases where there was plenty of room for two loaded horses or carts, there was no 'Keep right' or 'Keep left'; they could pass on whicheyer side they wished.

The rules about priority were apt to be honoured in the breach rather than the observance. A man who was turned back on his road felt, even if priority was not his, as much disgraced as if his gun had been taken from him. His honour was lost, and could not be redeemed unless he killed his rival. There have been many deaths for the sake of precedence. The men of Godolesh, who were satisfied when the offender was fined by the elders, were condemned by their neighbours as soft and citified. But even in Godolesh there was no more fertile cause of murder than disputes about who should have the right of way. The trouble arose because priority rules were often confused, especially on purpose by strong wilful men, with the general law of road ownership. As enunciated by Father Gjeçov, this law said that a village street or a public highway was nobody's individual perquisite, but belonged to one man as much as to another. Hence, the living and the dead—traveller and live-stock, bride and corpse—had an absolute right to use either, and no man, even if the road passed close to the door of his house, could deny this right.

A road was free to all. It was for breaking this general law that highway robbery was punished so much more severely than other forms of theft, and that a traveller who killed a dangerous dog on a highway did not have to compensate its owner.

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685 A man could not, without the elders' consent, close an old road
491 that, having been used by his fellow-travellers, bridal parties and
494 funeral processions, was public property. If he did, it was reopened
● 423 by the elders, sometimes by force. He was often fined too. If he had ploughed it up, so that its line was uncertain, they sought out an old trustworthy man and made him show them under oath and in the presence of witnesses where it had been. Then the offender was ordered to open it again, removing any fence he had erected and, by way of penalty, to give a meal and small fee to the old man and the witnesses. If he shut it up once more he was liable to be shot.

491 As always, there were exceptions to the general rule. Owing to
494 the marshy nature of the land most of the fields near the mouth of
423 the river Mat were enclosed by hedges of living willow and
[487] communicated with each other by stiles, not gates. If the public, having formed a shorter route, no longer used a certain field-path, the owner of the field could close the path and the stiles at either end without any compulsion to reopen them; the public had the shorter road and one was enough. If a man bought a field which had a road round it and a right-of-way through it, he had the right to close the latter and to make the public go by the road; only if a long detour was involved could he be forced to leave the right-of-way open. On the other hand, if his new-bought field was bordered not by a road but by another field, he could not block the right-of-way unless he made a new road entirely within his own boundaries. This was substantially the law which governed changes of road all over north Albania. In Lumë a distinction was drawn between permanent roads which had to remain open all the year round and winter roads which could be closed in summer. The first were known as 'roads with a boundary'; the most important led to the high pastures on Mount Gjalicë. Winter roads generally went through fields and were closed to men and animals from seed-time to harvest; as soon as the crop was in, the roads were opened to traffic. If somebody had great need to use one during the season, he might take what he could carry and go along the very edge of the sown land, taking pains not to damage the growing crop. He could not make a habit of this or take his horse and must not forget to ask leave from the owner of the land. Again, a few roads to the Alpine pastures passed through wheat fields on their way. As a necessary link with the high pastures they could not be completely closed even when the fields were under crop. An ingenious

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compromise reconciled the public's need to use the road and the individual's wish to protect his crop without incurring the intolerable expense of making a fence or wall. One neighbour put two hurdles across his half of the road, one where it entered and the other where it left his land; both were low enough for men to jump over and high enough to keep back animals. Each had a hole at the bottom that was too small for animals to crawl through but big enough to let logs through when they were dragged down from the mountain for fuel; logs for fuel were such a necessity of life that they could not be denied a road. The other neighbour threw across his half of the road the Christ's Thorn which grows all over the plains of Albania, thus making a formidable barrier for men and beasts. Shutting up this half of the road did not matter; animals had no right in any case to go near a sown field, and the other man's hurdle was sufficient for human traffic. After harvest the thorns were removed, leaving that half of the road clear. The hurdle remained in place, as the clear half of the road was wide enough for the traffic.

In 1935 a man from Nangë in Lumë blocked the road along an irrigation channel for the summer, half of it with a low wall and half with thorns, so that men, but not animals, could still travel on it. He had wished to sow maize in his adjoining field and been too poor and short-handed to construct a fence to keep out animals. Since irrigation was so important, there was a special law that 'a road beside an irrigation channel can't be shut up'. Consequently, his act was highly illegal. But his poverty was thought to excuse it, and he had mitigated his offence by making a new road for animals at the top of his field, where there was no maize. In so doing he had confused the right to block a road for the summer only and the need, when closing one permanently, to provide a substitute. For the law forbidding a man to block an old road permanently was not rigid. If he had good reason for the change, secured the consent of the elders (a most important point), and provided a satisfactory substitute, he could even move a very old road. It was only if he failed to satisfy these conditions that he had to leave it where it was. The poor man just mentioned transgressed by not consulting the elders; their unusual clemency lay in refraining, out of consideration for his poverty, from reopening the road.

When a man applied for leave to close an old village road, he generally pleaded damage by passers-by or a need for more land to

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till. In the first case he might have his house or field adjoining the road and find his dog biting strangers and shot for its pains, his children killed by passing horses or cattle, and his crops, vegetables, vines or fruit damaged or plundered. Or the road might cross his field necessitating a fence on both sides, thus preventing his sheep from passing freely from one part of the field to another, besides involving him in expense for making and maintaining it. In the second case he might wish to plough up the road, a good plea since the law said 'Agriculture can move a highway', and more pithily, 'spades can shift roads'. If the elders on investigation considered his request justifiable, they gave him leave to close the old road. They required, however, that he should provide a satisfactory substitute, not by a stream where sheep might drown or across a precipice where they might break their necks; if the precipice could not be avoided, the rock had to be blasted away with dynamite. The new road could not be far from the old one, a distance of 200 metres being the maximum allowed. It had also to be made by the man's own unaided efforts, without any help from the community, and it had to be well made. If it was poorly made, the man suffered himself when he came to grief on it and had to pay damages when another did so; he was also laughed at by his neighbours as a foolish creature who did not know how to make a road; often they went and reopened the old road. In Fulqet it did not matter if the public was inconvenienced by the change; the law said 'land must not be spoiled'. In the Breg i Matit, on the other hand, the new road had to be shorter and so more convenient. A curious point in Krasniqë was that if a man ploughed up his field he could reduce the public road to the width of a footpath; this was little more than a gesture, since oxen and horses could not in any case use the road after the field was sown and a footpath was wide enough for other traffic. In Martanesh it was never lawful to plough up a public road, perhaps because the fields were few and very scattered, and the roads few, long and often dangerous.

In case of clear necessity an old public road might be moved on the initiative of the elders. If, for example, it was inconveniently crooked or became a morass in winter, they could divert it to better ground. The old road became the property of the man whose land adjoined it. The men whose land was taken for the diversion received no compensation. They often threatened to kill the elders, but for sole reply received an exposition of the law; they might

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shoot as much as they pleased but could not have their way; the village could not be shut up by mud, and the public good overrode private loss. The new road was a permanency and could not be closed or moved back to the old site except by the elders. According to Vatë Marashi, the bajraktar of Shkrel, it was easier to move the bad road than to try to mend it. If it was under water, all the owners of the land through which it ran had to unite to repair it, making a ditch, repairing bridges and so on. But they had to decide unanimously to repair it; if even one hung back nothing could be done. The ditch too could only be made where there had once been one before. And men whose land was some distance from the road would object to having the water diverted from the road towards their fields.

New roads were constantly being opened, if only because brothers were constantly dividing their father's property and setting up separate establishments. For the law said 'every field must have access to a public highway' and 'every house must have its road'. Consequently, the elders supervising the separation were careful to specify the exact direction and character of the old roads which the brothers might use and the new ones which they might make to and from their houses and fields. The laws were the same everywhere. If there were two brothers, each took half the father's field. When there was no cultivated land beyond this they might make no path at all or they might make a little path along the boundary between them, only two spans in width, as this was enough for their own needs. Naturally each set aside land for half its width; as this could not be worked, it was soon grass-grown. When there was someone else's field beyond their own and there was no other way of entering this, they were bound to leave a track wide enough for a horse laden with panniers of manure or for a pair of plough-oxen. As with a field-path the land for this track came from each.

A more complicated case occurred if three brothers inherited a field which had a public highway running along its length, and was divided into three longitudinal strips with the boundaries parallel to the highway. Let it be supposed that the family home remained in the central strip. A road to the highway from the inmost strip was a prime necessity. It was most economically made by constructing a path to the old road that connected the family home with the highway. But the new owner of the central strip might

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487 object to its coming so near his house. In that case the elders
5[illegible] directed him and the owner of the outermost strip to leave land
423 elsewhere for it. As for the houses which the brothers in the innermost and outermost strips had to build, the former had only to see that his stood the canonical distance, the width of the eaves from his neighbour's boundary. The most convenient and economical site for the outermost brother to build on was a corner by the highway. But remembering that his dog might bite strangers and his children be trampled on by passing animals, he generally built his house with its back to the road and its yard facing his field. Alternatively, in Krasniqë, by what seems undue licence, he could ask his neighbour to remove the public highway to his land. If the latter owned waste ground or a hill close by, he was compelled by the elders to accede to the request. He could only refuse it by convincing them that in its new position the road would spoil his land.

487 New roads were sometimes necessitated by sales of land, and
423 might cause trouble. Suppose a field surrounded by four others was offered for sale and the owners of the surrounding fields were unable to buy it. Someone farther away, always described as a 'stranger', then bought it and demanded a road. The natural line for this was through the field between his purchase and his house. If the owner of this field objected, the stranger bade him buy the enclosed plot. When he refused, as he inevitably did, the stranger referred the case to the elders. If these, he said, could cite any previous purchaser of a field which had no way in and out, he could not claim the road. If, on the other hand, and this was sure to be the case, they found it was good law that 'land is never sold without a road' he had to have it. There was, as usual, no need to compensate the man whose land it took up. Fear of such complications made some men, when selling a piece of land, retain the adjoining road in case they themselves or their descendants wished to use it later on.

[491] A man was undisputed and sole master of the path that led across his field from a public thoroughfare to his house and ended there. According to the letter of the law, whatever the condition of the public road—good or bad, a sea of mud or even washed away in a winter storm—animals and wayfarers had to keep to it or to find another. They could not bypass the bad stretch by taking the path to the man's house; that was his private property, reserved for

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his household and his visitors. Bridal parties or funeral processions which tried to pass along his path to evade the difficulties of the highway were not so likely as habitual travellers to attempt to create a precedent, but he had the right to turn them back. If they tried to force their way past him he had the right to shoot them. Many a corpse, to quote Father Gjeçov, has found comrades in death before being buried, and many a bride has mourned the loss of a kinsman in her escort on the way to her bridegroom.

If, however, at a time when the highway was impassable, occasional travellers asked a man's leave to use his path he often granted their request. But he always made it clear that the right of passage was temporary and stipulated that his honour was not to be smirched or his property damaged. In Shkrel a man whose field adjoined a road liable to bogging in winter often left enough land in the field for a new road. This he did as alms. Any timber on either side of the new road remained his private property, and could not be cut down by anyone else though he was free to cut it as and when he pleased. He could also close the road at his pleasure; even if the public had used it for years, usage did not create a right and rob a man of his land. Sometimes a village, to suit its convenience rather than to meet its need, asked a man to allow the public to go through his land. He usually agreed, but always stipulated that if any damage was done or he needed to work the land, he should be entitled to close the right-of-way, informing his fellow-villagers that they must not come that way any more. If this became necessary, he was not required to provide an alternative, as a man who moved a public road must do. He had opened the road as a favour, and what was given as a favour could not be retained by force. The option of closing the road descended to his heirs.

The private ownership of a road is seen at its most interesting in the case of a blind alley. This was seldom wide enough to take two persons abreast and had an entrance but no exit. The commonest type led across a man's field from a public thoroughfare to his house, where it came to a dead end. In this case it was his sole property, and if he liked he could plough it up without consulting anybody. Another type served several houses, and was held jointly and equally by these. The common ownership had its drawbacks. Two out of three owners, for instance, might wish to plough up the section passing through their fields. Though this

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might mean his going a long way round in future, the third owner could not oppose their wish. Again the land on both sides of an alley which three families used might belong to a fourth man. If he persuaded or bribed two of the three to let him plough it up, the third man had to acquiesce. A third type of blind alley began and ended in a single field.

All types of alley were private property reserved for the sole use of their owner, joint or single, and his family and lawful visitors. If he found anyone else on it he could turn him back as an intruder, and if he refused to comply could shoot him. This was irrespective of whether he did damage or not. An honest man would not trespass. Consequently, a trespasser's intentions were felonious. In Labinot a 'foreigner' from another village was licensed to use the blind alley once. He might be unaware that he was trespassing. In Zerqan, too, if he did not trespass more than once most owners said nothing to avoid disgracing themselves. A foreigner has his rights. In truculent Lumë no allowance was made for ignorance. About 1900 three men lost their lives because a stranger from the town of Prizren rode by pure mischance along a blind alley in a field in the village of Stiqan and resisted the owner's attempt to turn him back. In all districts a fellow-villager who trespassed could not plead ignorance as a stranger could; consequently his fault was graver. Even so he was not shot in Zerqan till other measures had been tried and failed. First the owner asked him not to use the blind alley again. If he persisted the owner complained to the village and the village forbade the man to go by the path. If he still persisted the village fined him. If he still persisted the owner shot him. Such was the theory, but in practice a strong man skipped the diplomatic stages and shot the offender at his first or second offence. Sometimes a fellow-villager who had a genuine need to use a private road, for instance, to regulate his irrigation water, might be given permission to do so. But he had to go on foot and could not take his horse.

In Godolesh, exceptionally, the question of damages affected the rules for blind alleys. Such paths traversed the market gardens on which the village still depended for most of its livelihood. Usually each belonged to several owners, any of whom might use it throughout its length, though they were forbidden to introduce animals as these might damage the fruit and vegetables. A trespasser was pardoned up to three times, then one or more owners

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complained against him to the elders, and he was fined ten grosh in Turkish and two gold francs in modern times. In Turkish times a strong man often forced his way through and only a weak man cowed by the guns levelled at him, turned back. The principle of private ownership was carried so far in this village that it extended even to a certain garden road which was not blind but had an exit as well as an entrance. This was reserved for the villagers of one ward, and forbidden to their animals, to the rest of the village and to 'foreigners', with one exception. If a girl from another ward or village had married into the privileged ward, her kinsmen had leave to use the forbidden path when on their way to visit her. If even one man in the ward objected, however, he had the right to veto their passage. It is not known how this unusual privilege came into being. The most obvious explanation would be that the families in the ward descended from a common male ancestor, but, in fact, the families were of very mixed descent.

In the extreme north the individual's safety on certain inter-tribal thoroughfares was ensured by what was called the 'truce of sheep and shepherd', because it mainly concerned shepherds and their flocks. Actually travellers and public messengers also enjoyed its protection. Two or more tribes, meeting in full assembly of all their bajraktars, heads, and youth, swore a solemn truce to attacks on life and property on a given route or routes within their territory, and guaranteed its observance. They prescribed the limits of the road which it covered, regulated the behaviour of persons taking advantage of it, and enunciated penalties for breaking it. Thus, a shepherd could lead his flock and graze it only within a prescribed limit. A traveller or public messenger journeying from one of the contracting tribes to another had both going and coming to keep within the points fixed. As soon as he had set foot in the foreign tribe's territory he had to go straight to the bajraktar's house and not turn aside to any other. He must not venture out alone but must always be accompanied by the bajraktar or a guide of his providing. So long as shepherd, traveller or public messenger obeyed these rules and kept to the prescribed road, he was regarded as a public guest and consequently was guaranteed public protection and, what was almost more important, public vengeance in the event of being murdered or robbed. Protection came from the knowledge of the penalties which the foreign tribe would exact for any harm done him. If he were murdered the price of his blood

[* in the village of Godolesh --Analyst]

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CHAPTER IX

# BOUNDARIES

According to the law, every tribe, village, house, field, meadow, 423
pasturage, vegetable garden, vineyard, forest and spinney required a fixed boundary. Some boundaries were centuries old, but, ancient or modern, they could in no circumstances be moved. The stones that most often indicated their line were, in the absence or rarity of title-deeds written on paper or engraved on copper, the chief tokens of ownership of property. Consequently they were as sacred and immovable in the eyes of the law as the bones in a dead man's grave. Brothers, cousins or villages might quarrel over a boundary and keep up the shooting until it had cost a hundred lives—nevertheless, the boundary remained where it had been when the first shot was fired.

In fields of average size the boundary was marked by three stones, one at either end and the third in the middle. Each had to be planted as deep in the earth as it projected above it, and to have its centre exactly over the boundary line so that half of it stood on one neighbour's property and half on the other's. When fields were very small, there might be only two stones, one belonging to each neighbour. Instances can be seen in Shijan. Little heaps of stones marked the division between fields and pastures in Shpat and Dumre. Big cairns of rocks and boulders, each 'as big as a house' and at varying intervals from the next one with no charcoal under them, divided off the vast alpine hayfields of Martanesh one from the other and also separated its territory from that of the neighbouring villages of Shëngjerg, Bulqizë and Okshtùn. Sometimes in the lonelier regions of the Martanesh highlands deep holes were dug in place of piling up the more usual cairns. In the spacious Alps of the north only an occasional stone was used to mark off one man's forest or grazing-ground from another's.

Each boundary stone 'had two friends with it'. These were small stones which were more or less buried in the ground on either side of the big one. They were almost invariably two in number, but in Mirditë six or twelve. In most places they were picturesquely said to be there as 'witnesses', but according to a more sophisticated

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423 informant in Bytyç their business was to prop up the big stone. The association of the three, one big and two small, was so distinct that it could be seen at a glance that they were boundary stones.

In old days, in places as far apart as Kurvelesh in south-west Albania and Lumë in the north-east, some pieces of charcoal, generally three, were put under the big boundary stone; in Lumë a fragment of tile was added. Centuries might pass, but charcoal and tile remained as imperishable evidence of the true line of the [423] boundary. In case one neighbour charged the other with moving the stones the elders dug these up; if they found no charcoal under them they knew they had been moved and dug all round until they came on charcoal and with it the original boundary. A man who went to move boundary stones always went on a dark night when the buried charcoal was as invisible as himself, and so far as was known his ingenuity never ran to taking a handful with him from home.

Boundary stones were set up with all the ceremony befitting [423] a mark that was to last for ever. All the members of the families concerned, the village elders, as many children and youths of the village as possible, as many men from neighbouring villages as possible and all the tribal elders gathered to witness the event and [804] to preserve its memory for their lifetime. When the entity to be divided—field, farmyard, vineyard, etc.—had been measured with a rope or by pacing into the required number of portions, the elder chosen to delimit the boundary put any chance stone and a clod of earth on his right shoulder, and after swearing upon his soul to delimit justly, moved forward along the boundary line followed by all the witnesses. It was his duty to walk in a straight line in order to iron out every possibility of future conflict—'a boundary mustn't twist' said the law—but if he deviated slightly no one 789 could correct him; it was his responsibility. All the objector could 423 do was to say, 'Well, lead the way and if you don't act righteously may that weight lie heavy on you in the other life'. At the two ends and in the middle the elder—no one else—dug a hole in which he set up the big stone at one end, packing the smaller ones round it. When he finished, he laid his hand on the big stone and solemnly cursed anyone who should seek to move it, saying in Mirditë, 'Whoever moves this stone, shall be weighted down with it in the life beyond'. In Lumë the curse was vaguer, 'Here are your boundaries, men', said the elder. 'Don't move them because it's bad'—in this world where quarrelling results and in the other

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where damnation follows. When the last big stone was in place the witnesses fired in the air to signify that the ceremony was over.

When a geographical feature was available, it was often utilized as a boundary. For instance, an irrigation channel might be recognized as such. The dividing line between the neighbours then ran down the middle. It could not be diverted or otherwise interfered with by either neighbour, since it contained running water and had been made long years before—a point that gave it the permanence indispensable in a boundary. In Mirditë a very old tree sometimes marked the division between two pieces of land. In all areas growing trees of any age might outline forest and even village boundaries. Notches were cut in each; all the ground this side of a notch belonged to one neighbour and all on that to the other. Between big units such as villages or forests, though not small ones like fields or houses, a watershed or a torrent bed often formed the boundary. 'God has separated the two; nature has decided their boundaries', said the people of such cases. Sometimes a road was the boundary between the villages; a field-path was never important enough for this purpose. Finally, in some groups of villages near Elbasan, such as Godolesh, Griqan and Labinot, there was so much buying of land in one village by natives of the others that no very definite line was drawn between their territories, though the boundaries of individual properties were as clearly marked and as fiercely defended as they were elsewhere. In the north, since no outsider could buy land in a village, there was no fluidity of boundary, whether village or private.

The delimiting elder was usually one of the recognized elders of the village. Sometimes only one was employed, more often there was one for each new neighbour, and in sprawling areas like Martanesh ten or even fifteen men might be asked to help. In Shijan elders often worked only 'for the good of their soul' and took no fee; elsewhere they charged one to two napoleons according to local rates. In Surroj they asked no less than four napoleons but seldom received them; to save this heavy fee, the older of the new neighbours set up the boundary stones, and only if he seemed to be cheating did a younger man think it necessary to call in an elder. That elder carried the earth and stone of the oath on his shoulder. In Çermenikë, however, he carried them in his hands and in Labinot he did not carry them at all, only spoke of doing so. Both these usages seem degenerations from the original. The

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expression 'to take on the shoulder', which is frequently heard in speech all over the country in the sense of 'to destroy' or 'to ruin', seems to derive from this obviously very ancient method of making oath. 'If I don't act justly, may I carry this weight in this world and the next', the elder swore solemnly as, irrespective of whether he was Catholic, Orthodox or Moslem, he embarked on his delimitation. In most cases he believed that if he were unfair the earth and stone would punish him literally as he said. 'Earth will rot us all one day; we can't put it lightly on our shoulders like a stone. It's a very serious thing; we stake our soul by touching it', were some of the expressions used to explain the general fear. Some men were so frightened of the dread symbols that they would not undertake to delimit a boundary, saying, 'It's a serious business to undertake such a thing; it brings you up against God's justice'. A few others, it must be confessed, were sceptical enough in consideration of a bribe to defy the consequences of perjury and to delimit unfairly.

Boundary stones then were set up by elders in the presence of witnesses as an abiding memorial to the ownership of the land they outlined. 'A fence may rot, a boundary does not', said the proverb. 'Let ever so many be killed: a field, or mountain, a vineyard cannot be seized by force; the boundary stones say who is the lawful owner', was another aphorism. In many places it was customary, generation after generation, to 'ride the marches' once a year so that the old could show the young where the stones were and so forge the next link in the endless chain of memory. Like its British counterpart, the custom gave occasion for a public holiday. Often performed, as in Nangë, at the spring festival of 'Summer Day', all men and boys in a village went round every known boundary in it. They saw that the boundary stones were still in place and not sunk out of sight, noted their position, and cleared away thorns and other concealing overgrowth. Often, as in Nangë, they were led by gypsies banging joyously on drums.

It was thought a sin to move boundary stones, since they had been set up in such solemn circumstances by elders, the highest tribal authorities. But land-hunger was so prevalent that the sin was all too common. With the lapse of time, too, boundary stones might sink out of sight in the ground and the boundary line be obliterated. Disputes over boundaries were consequently endless. To prevent them there were various deterrents. Men of weight—

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tribal, religious or personal—fostered the belief that moving boundary stones made things specially hard for the sinner in the next world. In this world the elders punished the misdeed with a heavy fine—of varying amount in Mirditë, 30 rams and an ox in Bicaj of Lumë, 3000 grosh and 6 rams in Kastrat, and a Turkish pound and boycott in Godolesh. Everywhere the sinner was publicly disgraced even if he was not always boycotted as in Godolesh, and he had always to compensate his victim financially. He had in fact stolen land, a valuable article of property as representing a man's livelihood. Consequently his crime was punishable as a bad form of theft. In Mirditë a man who had not only moved the boundary stones but also killed his neighbour was fined 100 rams and an ox and publicly executed for his double crime.

Yet in Mirditë one very primitive method of moving a tribal boundary was permissible. If a man had no forest or other source of timber and he had desperate need of this, he might take his axe and go to a forest in a neighbouring tribe—naturally he did not penetrate very far from his own tribe's boundary. The noise his axe made as he felled and lopped a tree soon brought up the foresters. If he had presence of mind and strength of arm enough to drive his axe up to the shaft in the fallen tree, and if the foresters could not pull it out, the boundary of his tribe was advanced to the tree. This was the manner in which Gjokë Buca of Kaçinar won forest from Kushnen. The method may have been peculiar to Mirditë.

In the Malësi e Madhe a man who had a spinney might refuse to permit his neighbour who had none to cut timber to fence in his property. He might want to cut the timber himself next year. It was his own business whether he sold it or not. The other was getting food from his field; let him go and buy or beg wood elsewhere for his fence. Presumably what went for an individual tribesman went for his village or tribe.

When disputes arose, efforts were made to settle them before they ended in bloodshed. Two types of dispute were distinguished, public—as arising between tribe and tribe, village and village, ward of a village and ward of a village—and private, as arising between individual and individual.

Settlement in private disputes might be effected by the parties themselves, by elders or by the government. The first method was

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the quickest, the second tried when the first failed, and the third when the second failed. In practice recourse to the authorities was rare and seldom as effective as action by elders.

When settlement was made by the parties themselves, one of the two men quarrelling might exclaim, 'Well, take it on your shoulders' —there was no need to specify what—'and set up the stones'. 'All right', replied the other as he bent to pick up a stone or a clod of earth or both to put on his shoulders. 'May I carry it on my shoulder in this world and in that if this ground isn't mine', or 'May I carry this stone and this earth and the whole wide world', he proclaimed as he swaggered off along what he said was the boundary line. Provided four or five witnesses were present this ended the dispute. Either oath was too solemn to be gainsaid. The second in particular was convincing: who would do anything as grave as to take the world on his shoulder for the sake of an erring rope in a measurer's hand? Four or five friends of both parties attended as witnesses. Fear of being asked to take this solemn oath was a considerable deterrent against disturbing the stones. Sometimes the older disputant took an oath, with or without earth or stone, that the disputed land was his, and so proved his title to it.

When the boundary had been recently delimited the disputants might consult their other neighbours, especially if these were older than they were themselves. Or they might ask the opinion of one, two or three very old men from another village as likely to be impartial. If they consulted only one, they had both to consent formally to employing him. Sometimes, when a dispute was dragging on interminably, an old man cut in with an offer to show them where the boundary was, with earth and a stone on his shoulder.

When friends or neighbours were called in they might settle the dispute by arguing. When old men were asked, they had to point out the boundary afresh but not till after they had taken earth and a stone on their shoulders and made a solemn oath to carry these through all eternity if they delimited falsely. When the old men were from the same villages as the disputants, they were unpaid; when from another village they were each given a Turkish pound.

By the second method of settlement the elders in Munë took two or three napoleons from each disputant as a pledge of his future behaviour, and arranged for five or six elders as well as some

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ordinary householders to meet at an early date at the boundary. In presence of the assembled company the claimant swore with earth and a stone on his shoulders that the boundary was where he said. The elders then dug to see if they could find the stones. If they did they gave judgement in the claimant's favour and vice versa. If the losing disputant did not accept their ruling they kept his pledge. In Martanesh, according to Mr Lef Nosi, the case was entrusted to a single elder. First he tried to decide it by questioning the neighbours of the disputants. If he doubted what they said he put them to the ordeal of an oath on bread and the Koran. If he still thought one or more of them was lying he bade them set up the boundary stones where they wished. If they dared to do so he could say no more, but sometimes they jibbed at this final perjury and then his judgement prevailed. If the loser objected to his allowing the neighbours to mark the boundary, he hushed him by bidding him let them perjure themselves and then offering to indemnify him out of his own pocket for his loss, but here the elder was on safe ground. Shame prevented the loser from accepting this offer.

When the elders failed to effect a settlement the injured party in Shijan complained to the government—not always unsuccessfully. Shijan was so near Elbasan that the government's writ ran there even in Turkish times. In many other places, in modern as in Turkish times, it was thought that if elders had failed it was useless to apply to the government, and a shooting match began. In Lumë the man who had taken the oath with earth and a stone took the initiative. In a fury at finding he had risked his soul with an oath for nothing he apostrophized his absent enemy, 'I put the stone on my shoulder. You could have done it, but you wouldn't. Now I'll kill you.' When he succeeded the bitterest of feuds started. Sometimes for greater ignominy they beat each other with sticks. This too started a bitter feud.

When bigger units disputed a boundary each party generally engaged an elder, paying him a fee of 250–500 grosh in Martanesh in Mr Lef Nosi's time, against 50 for a quarrel between individuals. Elders, disputants and witnesses crowded to the boundary, where the elders questioned and argued interminably. If they failed to come to an agreement, murder soon followed. When both sides were sickened by the shuttlecock of the feud they called in famous elders from another unit who could not possibly have an interest in

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the matter and asked them to set up the boundary stones where they thought right. But sometimes many lives had been lost in the interval. Once the elders of Bytyç found, when summoned to intervene in a boundary dispute between Gash and Krasniqë, that in two days it had cost the lives of 124 men.

Characteristic processes often marked the arbitration. For example, when two village wards quarrelled in Çermenikë, the chief elders of the village summoned two of the oldest men in each and questioned them separately in the presence of witnesses. If their answers tallied, there could be no more question where the boundary lay. For ratification the old men were asked to walk along it, earth and stone on their shoulder, or to swear formally to its being the correct line. If there were discrepancies in their answers, the dispute was referred to the government authorities in Elbasan or, more probably, to elders from another village. If two villages of Kthellë quarrelled the three bajraktars went with the leading men and a sufficient number of hangers-on to the boundary. One village said where the line was, the other contradicted this. Finally, the most important of the bajraktars, lifting a stone set it on the shoulder of an old, wise, upright man and bade him set it down exactly on the boundary. When he had done so the line was established beyond controversy and no more murder could be done for it.[1]

To begin with the bloodshed method, if different villages or tribes were involved, when men quarrelling over a boundary or shepherds jostling over a grazing ground killed each other at the very time that the boundary was being delimited, there was no more need for elders. The tribal or village boundary was where heaps of stones marked the graves of the murdered men. If it was from a distance that they killed each other, the boundary of each village or tribe was by his grave and the ground in between became the common property of both. If one was only seriously wounded and was able to stagger or roll himself along into the foreign territory before he died, a cairn of stones was piled over him where he died, and though in foreign territory, became the boundary of his village or tribe. Boundaries so established were the most permanent; the

[1] In Mirditë boundary disputes between villages and tribes were sometimes decided with bloodshed or a rock, obviously very primitive methods. Indeed the latter, a glorification of physical strength, seems to antedate the discovery of gunpowder.

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greediest man would not venture to disturb the cairn or to steal land for which another had lost his life.

Near boundaries of villages and tribes might be won with a boulder and distant boundaries with a slab of rock. In the former event what was a contest in throwing the heavy weight took place; in so poor a country the weight could only be a stone. When the two tribes had quarrelled over a boundary each selected a champion athlete to throw the weight. Whichever threw it farthest won the land in dispute for the tribe. Father Gjeçov does not make it clear where the men stood for the throw. When more distant boundaries were in question, each champion carried a slab of stone or a rock on his back until he dropped under it. The one who held out longest won all the ground he had covered for his tribe.

The relations between a boundary and adjoining structures, such as a fence, wall or house, and natural features like hedges, trees and ditches, were as carefully regulated as the site of the boundary.

A fence or a wall generally enclosed a farmyard and sometimes a field, a vineyard or the like. Fences were made of hurdles or, much oftener, withered Christ's Thorn, depending on what grew in the locality. In the marshes at the mouth of the river Mat withies were interlaced between living willow trees planted like posts in the ditches surrounding the fields. In well-watered areas inland hedges of living Christ's Thorn were common. Walls were usually dry, like Scottish dykes; the more pretentious had their stones bedded in mud. Dry or mud, they were rare round fields, because fences were easier to make and less trouble to maintain. In upland pastures there were neither fences nor walls, presumably because the boundaries were too long. The rules for both fences and walls were pretty much the same.

When an old farmyard was divided between two brothers or cousins who were on friendly terms, their respective portions were separated only by boundary stones. When they were not on friendly terms what they did depended on the degree of their enmity. If not embittered, they built a wall three spans wide (60 cm.) or a fence, centred exactly over the boundary line and possibly broken by a door that led from one yard to the other. Each built half of the barrier and became the recognized proprietor of what he built. When it was a wall he made a square niche on his own side to mark his ownership. When it was a fence he had no such material way of safeguarding his rights but could always rely on

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public memory. If only one of the two wanted a barrier, he had to build it unaided and entirely on his own ground, leaving the boundary stones on his neighbour's side. In this case its position relative to these stones was enough to show whose it was, but he nevertheless constructed the usual niche on his own side. He could not, however, build the wall right against the boundary stones but had to leave its width free between them and its outer base. For the law said that any rain that fell on a man's house or wall must run off on his own ground and not damage his neighbour's property. It needed no legal compulsion, of course, to make him construct the various buildings in his own yard in such a position that their drips did not damage his fence. Incidentally the 60 cm. of free space served at need for a footpath. When two brothers were embittered, each built a partition wall, naturally without a communicating door.

If a man wilfully damaged a tree or other property on his neighbour's land he had to answer for his crime by paying damages. If a stranger who did not know he was trespassing on another's property and was not warned off by a shout from the owner did similar damage, he, too, had to appear before the elders. But if he could prove ignorance of trespass, he had no damage to pay. To keep animals under control so that they should not stray to another's property, a wall or at least a fence round the yard was an essential concomitant of a house. This too had to be its own thickness inside its owner's boundary to guarantee that rain drips did not damage the ground next door. In the Malësi e Madhe the man building the wall could claim any timber that during building operations fell not more than half-way down on his neighbour's side. But whatever fell more than half-way or reached the ground—even the scrap of land he had left himself between the wall and the boundary—became his neighbour's. This discrimination applied to every form of wall.

Sometimes when one of two brothers was enclosing his yard he was permitted to utilize his neighbour's wall for one side of his enclosure. There was no risk of this confusing the ownership of the wall, for the neighbour, when building it, had not only put a proprietor's niche on his own side but had also left the boundary stones outside so that they fell within the new yard. A more distant relative could not utilize an existing wall, but had to build one of his own, parallel to the neighbour's and distant by the

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regulation width from the boundary. If this involved him in more expense it also saved him and his descendants from ever quarrelling about the wall. It also gave his dog room enough to run round his house at night, a not unimportant point. But even a brother could not be allowed to erect a building against his neighbour's wall. The risk from the drips of rain from it was too serious.

If one neighbour wished to fence or wall in his field he did no wrong, strictly speaking, by building the barrier along the middle of the grass-grown footpath along the boundary between fields, and so on the very boundary line. But this caused so many quarrels that in Mirditë and the Malësi e Madhe the law bade him leave the width of his barrier free between its outer base and the boundary, just as he must do when building a wall across his courtyard. In its wisdom the law was providing for the future.

Theoretically, a man could not only build his fence or wall along a boundary line, but could also ask his neighbour to make half of it. In practice, however, the neighbour might be too lazy or might say he was too poor or too ill to do his bit. In Kastrat[1] he could be fined 250 grosh and three rams for his unneighbourliness, and this possibility sometimes drove him to action. In the ingenious Malësi e Madhe the first man might in malice run up a fence parallel to the boundary but with an opening sixteen spans (3·20 metres) wide at either end. This ensured that his animals strayed through the opening on to his bad neighbour's field and ate it up. To give the neighbour no chance to make him move his fence he ran it up four spans, half the width of the horse-track, from the boundary. Most men, however, preferred to make the whole fence themselves, constructing it at least half the width of a footpath from the boundary. If two neighbours made half the fence each, but one made his half badly, this man was at fault—whether his sheep strayed into the good fencer's field or the good fencer's into his. The loss always fell on him; in the first case he had to compensate his neighbour, and in the second he had no right to be compensated for the damage done by the animals.

Sometimes a man wished to fence in a field which was bounded by a road. In Krasniqë and some other hilly districts he had to leave a strip of his land as well to allow for the fence slipping down on to the road, an ever likely possibility.

Most hedges of dead thorn were directly over the boundary line,

[1] See Appendix, Document V, § 11, p. 264.

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and if properly placed to begin with, caused no trouble. The same was true of living hedges inland. On the other hand, living hedges in the marshy areas near the mouth of the river Mat sometimes grew so tall that they damaged the neighbouring land with their shade. To prevent this, the owner had to lop overgrown trees once every three years. Failing this, his neighbour could complain to the headman; inevitably they gave him leave to cut the trees down to the root on the owner's ground, an intrusion that was in itself a punishment, and fined the owner 250–450 grosh for breaking the law about lopping.

Similar rules regulated the planting of fruit and other trees, olives being included among the former. In Mirditë a fruit tree might be planted only 5 'feet' (1 metre) from the boundary; another kind had to be at least 10 feet away. In Godolesh, a great fruit-growing area, a fruit tree could be planted on the very boundary, but in adjacent Labinot it had to be a span away. In Shkrel it could be planted anywhere on one's own ground, as it never caused trouble by itself. As with living hedges, care had to be taken that a tree did not cast harmful shade over a neighbour's land. If one did so in Shkrel the owner agreed amicably to lop it, raising no objections unless he had already quarrelled with his neighbour over something else. In Mirditë he was bound to lop the offending branches; if he failed to do so his neighbour could lop them as high as he could reach with a hook, the handle of which did not exceed 3½ spans in length. In the mountains of Lesh the owner had to uproot the tree or to pay annual damages to his neighbour. In Godolesh the neighbour was entitled to stretch as far as he could and cut the too luxuriant branches with his short-handled axe. If a tree was doing no damage to neighbouring ground, it could not be lopped except by its owner. A man who transgressed this law in Mirditë had to pay its owner 500 grosh.

Sometimes an open drain adjoined a boundary. When it was first cut, each of the two neighbours provided half the ground required, did half the work and retained the earth excavated from his own side. Three stones, one big and two small, were left at the head to mark the boundary; the two other sets, normally placed in the middle and at the foot, were removed to make room for the water; as the drain discharged into a bigger channel, they could not possibly be left at the foot. The boundary naturally ran exactly down the middle. In most places the drain had to be cleared out

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annually. In Godolesh the two neighbours did it in alternate years, having exclusive right to the earth with its valuable fertilizing properties for the year when they did the clean up. In Lumë two neighbours cleared the drain together year after year and flung half the earth on one side and half on the other.

In other places one ditch seldom drained two neighbouring fields on the principle that 'you can't walk on my path or use my drain'. In Gurrëzë the man who wanted a drain had to cut it on his own ground with a 'footprint' (20 cm.) of land between the boundary and its edge for the protection of his neighbour's land. Without this buttress the drain might overflow or burst its bank to the detriment of his neighbour. In either contingency its owner had to pay compensation to his neighbour, but prevention of damage was always better for both parties. His neighbour might also accuse him of encroaching on his land, an insulting remark that provoked instant retaliation. If, later on, the neighbour wanted a drain he had to make one for himself, also a 'footprint' away from the boundary. In Lumë and Elbasan there was little risk that open drains would flood, but there too a space had to be left between their edge and the boundary. The avowed purpose of this space was to support the boundary stones. In all cases of single ownership the owner, on clearing the ditch, threw the earth on his own side, where it testified to his ownership if this was ever questioned.

Sometimes a man of Shkrel wanted both a drain and a fence. In that event the ditch was cut along the boundary and a strip of ground of the same width was set aside on the other side of the boundary. All the earth excavated from the ditch was thrown on this strip and so the neighbours became quits, one had a 'hole' on his land and the other a 'hill'. The fence was erected on the 'hill'.

We come now to one of the most important considerations in boundary making. North Albania is one of the wettest regions in Europe, and when the land was waterlogged it inevitably tended to slip downhill. The tropical intensity of many rainstorms increased the mischief. Terracing the fields would have helped to check it, but such manual labour is contrary to the habits and dignity of the north Albanian. His law, however, gave him every possible protection. When there were two fields on a slope, one above the other, they might be separated by a field-path, a road, an irrigation channel or a fence. (The term 'field-path' includes the

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little 'headland' which formed along the top of the lower field as the plough-oxen turned in their ploughing.) It was vital to save the upper field from being undermined by the tillage of the lower one. So the field-path (or headland) was always assigned to the upper field, with the boundary and the fence, if any, along its lower edge. The upper man was strictly forbidden to work the path, generally grass-grown, and so fairly cohesive. The lower man was even more strictly forbidden to cultivate right up to the path for fear he brought it down; since his own land slipped a little lower every year as he tilled it, the field-path soared higher above it. Only if the lower field was in grass did the law revert to its usual form. If the upper field was planted with maize and the lower one a grass meadow, all the land under the boundary stones belonged to the lower field because grass is in itself binding enough to stop landslides.

If a road or an irrigation channel divided the two fields, the upper bank belonged in most places to the upper man, and the lower to the other, since there seemed no risk that cultivation of the lower field would undermine the upper one. In Greater Dibër, however, no risks were taken. Both banks of an irrigation channel were given to the upper man in case the lower one worked too close to it. In any area, the owner of a lower field who made a drain for it had to make it four finger-breadths from his own boundary to make sure it did not damage the upper field.

If building a new house, the owner of the lower field had to keep it far enough away from the boundary to do no damage to the fence, as any such damage would make the upper field slip. On the other hand, the owner of the upper field had licence to build his house as close to the fence as if the site were flat, that is to say, with only half the width of a footpath intervening, but he was never foolhardy enough to do so.

Sometimes it was the lower man who received protection from the law. In Martanesh, for example, when the upper one built a fence or wall round his field, he had to leave the boundary stones as well clear of it as if the field were flat. This was in case it moved and encroached on the boundary.

Sometimes a fence was misplaced. Even if it was only one cm. inside the neighbour's land, it had to be moved. In Bicaj the neighbour sent a mutual friend to say so to the owner; if the latter ignored the message the neighbour took down the fence and saw

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that when next it was erected it was correctly sited, otherwise shooting began. In the Martanesh area the village headman, with two official and two unofficial assistants, was usually called in to set the fence up on the exact boundary line. If the offender moved it forward again, the elders sent word to his relatives that if he touched it again, there would be shooting. So restrained, he usually settled down.

An opening was never to be made in a fence by force or without the owner's leave. Only a foolish and 'lawless' man would do such a thing; it could only be the preliminary to using the field as a road, or to stealing something.

Fines were imposed as a deterrent. These amounted to 50 grosh in Turkish times and 100 koronë in the 1920's in the Malësi e Madhe, with 150 grosh and 3 rams in Kastrat in 1892; even if the offender closed the gap again, he had no right to make it in the first instance. If he destroyed a fence altogether in the marshes at the mouth of the Mat he was fined 250 grosh, five times the amount imposed for opening a way through it. If he did not pay the fine he was killed by the owner. As many as three lives have often been lost for one opening.

So with a wall in the marshland of the Mat. If it was holed, the owner asked the offender furiously if he was agreeable to having elders assess the damage. If the offender objected to assessment or refused payment, the owner shot him; at best he was sharply fined by the village. A breach in a fence or wall had always to be repaired by the owner.

Elsewhere manners were milder. In Martanesh there was no punishment at all for making a hole in a fence. In Perlat permission to make one was readily given either as a favour or in exchange for a passage through the other man's. In Fulqet a traveller could make one without leave if the highway was deep in mud and the only dry ground within reach was the field behind the fence. Often enough the owner of fence and field shot at him, but this was illegal; there was only one legitimate way of keeping the traveller to the muddy road. This was for the owner of field and fence to fill up the holes in the road with stones. If he took this trouble and the traveller still trespassed on his field he had full right to shoot him.

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so numerous that their livestock amounted to a considerable percentage of the total in Albania. They were found mostly in the shrub areas, though a few very poor men lived also in the oak zone. But the vast majority of this leafy belt herded their flocks on a larger scale. Above each village there was always the overhanging mountain with its forests of beech and pine to hold the waters and keep the pastures green and sweet. Under the higher beech trees no grass grew, but in the sloping clearings the animals could graze at will. In winter, however, these clearings were too high to permit of habitation; besides, such tilling of the soil as did take place occurred at roughly the same level as the village, and it was there that the flocks found most of their feeding. In summer the fields and meadows, whether open or enclosed, provided hay for the animals; in the autumn the stubble served for a few weeks; while in winter they wandered over the grass. In spring the winter-sown wheat was improved by being eaten down a few inches by the sheep. Dried leaves from the numerous oak trees supplemented this winter feeding.

Sometimes the number of animals was such that all these sources did not suffice during the lean months, or sometimes a village had no suitable winter pastures or had lost them for political reasons. Many animals would then be slaughtered at the commencement of winter and the meat smoked or salted down, while the remainder lived to fare as best they could. The many owners who could not afford meat, fresh or salted, had to try to maintain their livestock until the spring. By that time the poor creatures were no better than living skeletons hardly able to walk out to the pastures.

On the long coastal plains and marshy river banks the owners of large flocks and herds were scorched out of their pastures in summer or plagued by the mosquitoes from the marshy swamps. This necessitated a wholesale migration at the beginning of summer to the cooler alpine slopes, a feature of Albanian life as characteristic as picturesque.

A few of the purely winter pastures belonged to the State, a few to private persons, and the immense majority to some community, either a tribe, a village or a village ward. State-owned pastures dated from Turkish times and were consequently found only on the plains near big centres, as Turkish control had little reality elsewhere. Examples of these were the forested swamps of Mamuras and the Highland village of Gurrëzë on the left bank of the river

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Mat. They were extensive, if not numerous, and must be distinguished from the other state-owned pastures which, also in Turkish times, were added piecemeal to the community's possessions from the confiscated property of tribesmen who had transgressed an important law.

There were both alpine and winter pasturages in private hands in the 1930's, but the former were few and small; examples of these were some meadows on Mt Dragû between Bulqizë and Zerqan, and an upland plateau east of Sllovë in Dibër. The former, carrying 1500 sheep, was owned by Dervish Ali of Fulqet, and the latter, carrying not more than 1000 sheep, by Cen Elezi of Sllovë. Up till 1920, when Prenk Bib Doda Pasha bequeathed all his property to the tribe of Mirditë because he disliked his heir, the Mal i Shenjt (Holy Mountain) above Orosh was the private property of each Hereditary Captain. As for winter pasturages, much of the marshy land from Mamuras to below Durrës was in private hands. Thus the estate known as Cakalë belonged to Abas Kupi of Krujë, and several others near Shijak to members of the Toptan family. Some scandal was caused in the 1920's when three of these were leased for 99 years to Italians. A few meadows, some coppices and all the fields of stubble (for arable land was never owned by the community), complete the tale of winter pasturages which were private property.

Everything else, big and little, on the mountains and the plains, by the river bank and the wayside, belonged to some community. This was usually the nearest. For example, the plateau on the mountain overhanging Zerqan was owned by that village, the upland meadows round Okol in north Shalë by the various wards of Theth, one by each, and the swamps between Gurrëzë and Mamuras by the village of Laç near Milot. A major exception was the summer grazing which belonged to the village of Kuturman in Çermenikë. This pasturage lay twelve hours away on Mount Shebenik, more popularly known as the Mal i Kuq (the Red Mountain) on the eastern frontier between Albania and Yugoslavia. But its acquisition has been accidental. Most of it came as the dowry of a girl of Ricë who was her father's sole surviving heir and who married a man from Kuturman. The rest was subsequently purchased by the village; the copper plate on which its title to this portion was engraved in Turkish, a great curiosity in view of the rarity of title deeds, remained in the possession of Beqir Ali of

[the pastures of Mamuras and Gurrëzë -- Analyst]

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Kuturman until his family died out and the plate disappeared. The summer grazing which belonged to the village of Bërshenj near Fulqet was three days away on Mt Dragû. The Highlanders, living at the mouth of the river Mat, had their summer pasturages on Mt Vermosh five days away from their winter homes.

A clear distinction was drawn between the laws governing private and public pasturages. In broad outline what was private could be fenced or sold or built on at its owner's sole pleasure, and was divided up between his sons at his death. What was public was marked off by boundary stones from neighbouring properties but had neither outside fence nor internal boundaries. Though all the households in the tribe or village had equal rights in it and could each graze as many animals, cut as much firewood or timber, build as many huts or folds and shoot as much game on it as they pleased, these rights came to them only as members of the community and were not transferable to strangers. They could not sell their grazing rights to an outsider, share a hut with him or graze his animals along with their own; if they wanted to give an outsider friend pasturage, they must do so on their private ground. They could not sell part of the common or dispose of firewood, timber or game for their individual gain; only the community could negotiate such sales, and all the profit or loss from them was community profit or loss. They could not build a permanent house on the common. When the head of a family died, his rights were not divided among his sons like his private property but descended to them jointly. Gypsies, it may be added, were allowed to pitch their tents, graze their animals and gather firewood on the common. Being as resourceful in Albania as elsewhere, they needed no permission and snared what game they could; as they did not carry firearms they could not shoot it.

Those communities which did not possess their own private summer pasturage, hired or rented it from near and far. Breg i Matit rented theirs partly from Shkrel and partly from Theth, and the latter was a full week's journey away. Modernity having come to Albania, they paid cash down. Fulqet rented a neighbour's mountain every summer and paid for it in the old-fashioned way with half an oke of butter, the same of sour-milk cheese and 2½ oke of sweet cheese for every forty sheep. Perlat again gave their own winter pasturage in return for leave to summer on the mountains of Lurë and Selitë. In Turkish times, Lurë asked neither money

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687 As Father Gjeçov remarks, perjury harmed the soul, imposed a fine and disgraced the man in the eyes of his fellows. All three consequences worked powerfully in their different ways to keep oath-takers on the path of truth. A thief, for instance, might get [783] as far as the door of a church or mosque, but there his heart would fail him and he would exclaim, 'Forgive me, I did steal it'. Then he would proceed to make the usual reparation. Even innocent men dreaded the oath and took it with great reluctance. In poverty-stricken Theth many were so afraid of it that even when wrongfully accused, they preferred to pay whatever fine was due for the crime. 782 In Lurë people professed to fear nothing so much. 'You may rob [627] me of my life, but I will not break my oath', they used to say. As [423] for oaths taken to settle disputes, generations afterwards the descendants of the original disputants were afraid to break the oath of their ancestors. This fear kept boundaries that had been trodden out by an elder under an oath immovable for all time, and preserved water rights. In modern Lurë there is some maldistribution of irrigation water, but no attempt is made to remedy this by force of law. Many years ago, the people say, their ancestors took an oath about the irrigation rights of each family and they dare not violate this oath. One of the derisory stories told in sophisticated Tirana about the Highlanders relates that they were such poor stuff that one said, when brought to court, 'I have sworn a solemn oath not to tell, but press me a little and I will speak'.

There were occasions, however, on which perjury was thought permissible or even commendable. A man of Lumë, when asked to be compurgator in a murder case, would sometimes consider whether he might help to make peace between the parties if he forswore himself. If he decided that 'giving a living man for a dead one was no way of doing', he would swear a false oath. In the Malësi e Madhe, a village ward or a tribe had sometimes to swear not to enter a malefactor's house; when this punishment came to seem excessive it was thought advisable to break the oath.

695 In general, the modern mountaineers drew a distinction between 687 their own old jury system and the law court that was superseding it. Reluctant though they remained to forswear themselves by their old system, they would do so joyfully in the modern court, especially if this saved a friend or relative or concealed their possession of a rifle; this weapon being their chief treasure, they would deny '500 times' on oath that they had it. Instead of public censure

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ten or twenty years, according to the crime. In Mirditë, presumably under church influence, the murderer of a priest was expelled for ever, and other anti-social criminals for five to fifteen years. In Martanesh the injured man might after an interval intercede with the local elders and secure a remission of part of the sentence; otherwise the murderer and his descendants must remain in exile. Several local traditions maintain that sentences of perpetual banishment were formerly much commoner. In Martanesh no such sentence has been pronounced for 200 years, and in Shpat none for 100 years. In Lurë any murderer used to be banished in perpetuity; witness the numerous families of Lurë origin who now live in Prizren, Tetovo, Reka and other places in Yugoslavia.

In Lurë when a man was sentenced to perpetual banishment, his nearest kinsmen, those who would have been his heirs in the event of his dying childless, divided up his land. His family was in fact reckoned as extinct so far as the tribe was concerned. In Mirditë also he was considered as dead to the tribe. Father Gjeçov gives two accounts of what happened there to his land. For ordinary expulsions it was left uncultivated and used for public grazing. When a man was expelled for breaking into a church or for killing a priest, his land was bought by his nearest kinsmen and the money given to the church. In Shpat again the murderer's nearest kinsmen divided up his land; but there the elders valued it and the kinsmen paid the murderer the estimated sum before he was drummed out; if they could not raise the money, the village found it, subject to recovering it later from the kinsmen. On the other hand, when a murderer was banished only for a term of years, his land everywhere remained uncultivated until his return, when he built a house and resumed cultivation. During his absence, his ownership of the land was uncontested, but he was not allowed to derive any profit from it. A voluntary exile was in a different position; he could empower a kinsman to work his land and throughout his absence to remit to him in his place of exile an agreed proportion of the profits.

When a man was expelled for good, the community signalled the same by tearing up the four corner-stones of the foundations of his house after they had burned it down. When his banishment was temporary, the corner-stones were left in place to await his return. Again when his banishment was perpetual, there could be no more giving or taking in marriage for him in the village; any engagements

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the loopholes. A still richer man, or one with many enemies, had several doors in his courtyard wall and watch-towers at strategic points. (The turrets at each corner and in the middle of the long walls effectually commanded these entrances, and many loopholes in the walls provided space for many defenders to shoot from.) Shevqet Bey Verlaci of Elbasan had several posterns in his garden wall, each commanded by a watch-tower and each providing him in case of need with a possible means of escape.

Incidentally, back entrances in the mountains were useful for guests with enemies. These could enter unseen by other guests, among whom there might be one or more who would inform the enemy of his whereabouts, and so endanger his life. They were also useful if the master had sent a group of his followers to shoot his enemy; if they failed, they could creep in unseen by the guests; in case of failure on such an errand, they did not wish the attempt to be known.

A wanted man who wished to work in his fields might station a child herding goats or a woman minding a cow at a vantage point where an enemy could be detected and the watcher give him warning, so that he might seize his rifle and defend himself. As the enemy's trump card was surprise, he was likely to retreat when detected. Before the wanted man left the house the women and children would look through the windows to make sure no enemy was near. A man with blood on his hands might wish to go to the forest to cut firewood, a place too distant for his women to keep watch. In that case he might send a scout ahead to reconnoitre the road, and himself follow rifle in hand. In Zdrâjshë, Çermenikë, the communal hay-field was so far away that a wanted man made no attempt to go and cut his hay; the others, however, gave him his due share, though he had done nothing to earn it. A man who, in spite of risks, kept moving about might never stir outside, especially at night, without his rifle. He never told where he was going and travelled by an unlikely route and at unwonted times.

In the summer of 1935, to return from Tirana, whither he had been officially summoned, Murat Kaloshi of Dibër sent out an attendant to find a car willing to drive at once to Dibër, and within five minutes of its drawing up at the door of his lodging started. This was at 2 p.m., an hour when Tirana is plunged in sleep on a summer afternoon. He supped at the wayside inn of Lunik, an insignificant village without telegraphic communication, four or

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[Laws enacted in the village of Kastrat on Nov. 2, 1891]



5. Whoever moves the stones of an old boundary and puts them in a new place will be fined 3000 grosh and 6 rams. [681] [423]

6. No one is to frighten a flock sheltering from the heat in a place it was in first.[1] Whoever does this will be fined 250 grosh and 3 rams. [233]

7. The mill question remains inviolate as always and neither the Vukpalaj nor the Gjolaj may start a *degamë*,[2] and any miller who takes more than 5 per cent of the flour will be fined 500 grosh and 6 rams. [256]

8. Any man who cuts down a tree under which animals take shelter from the heat or cuts off a mill or an irrigation stream will be fined 500 grosh and 6 rams.

9. Other fountains and springs are left under the old law, that is to say, whoever destroys a fountain or spring or prevents another from filling water-pots will be fined 500 grosh. [312]

10. Milling is by order of arrival. Any miller who mills for a man who comes later than another and breaks the order either out of favouritism or because corrupted by bribes will be fined 150 grosh and 3 rams. [256]

11. Whoever admits a stranger to huts on a mountain pasturage will be fined 500 grosh and 6 rams.[3]

## IV. Truce Sworn between Nikaj and Mertur on August 10th, 1892. [628] [619]

(From Father Gjeçov, *Kanùn*, p. 121.)

The two tribes have sworn a truce with each other:

(1) As from August 14th up to the day of Our Lady of Mertur.

(2) As from December 26th up to the day of St Sebastian.

The guarantors of Flock and Shepherd, i.e. Nikaj and Mertur and the Bajraktars of Krasniqë and Gash.

## V. Laws Enacted in Kastrat and Bajzë on November 1st, 1892 A.D. [681]

(From Father Gjeçov, *Kanùn*, p. 126.)

At a general meeting held under the presidency of Brahim Beg the serxherde, Kasem Beg the bylikbash and the four and twenty chiefs (elders) of Kastrat, the following laws were enacted.

1. Whoever murders a man of Kastrat or of any of the other mountains will be fined 3000 grosh and 24 rams.

[1] This must be a mistranslation. The Italian version of the sentence runs: *che nessuno ardisa impaurire il bastiame gravido.*

[2] The Italian version of this very obscure clause is as follows: *Le disposizioni riguardanti i mulini rimangono inaltarate per sempre e non possono causare litigi nè fra il povero nè fra il ricco*, clearly referring to the principle, enunciated again in § 10, which compels the miller to treat all his clients on the principle of 'first come, first served'. It is possible that the Albanian version has been misunderstood.

[3] This refers to the letting of some of the tribe's scanty pasturage to strangers.

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[Laws enacted in Kastrat and Bajzë on Nov. 1, 1892]



681 2. Wounding a man means a fine of 1500 grosh and 12 rams.

[627] 3. Whoever fines another without doing it through a General Assembly and by common consent, will be fined 1000 grosh and 10 rams.

4. Whoever disputes with another or calls him names or aims his rifle at him in the following places—Breg i Shpellës, Viri, and Krue i Ri—will be fined 1000 grosh and 10 rams.

5. Whoever breaks down another's hedge in order to make a patch for himself must pay 150 grosh (3 rams) to the owner of the hedge.

6. Whoever murders anyone on the high road will be fined 3000 grosh and 24 rams.

7. Whoever robs another's house or sheepfold will be fined 500 grosh and 5 rams.

8. Whoever dishonours a woman or an engaged girl will be fined 3000 grosh and 10 rams.

[692] 9. Whoever does not wish to engage elders and goes away saying 'May I never forgive you' will be fined 500 grosh and 5 rams.

[233] 10. Whoever lets his animals graze on another's land will be fined 250 grosh and 3 rams.

[423] 11. A man who will not hear of fencing in his portion of land, going halves in the fence with his neighbour, will be fined 250 grosh and 3 rams.

12. A man who does not meet his obligations at the term fixed will be fined 23 grosh.

13. Whoever steals an ox, a cow or a horse in his own village will be fined 500 grosh and 5 rams.

14. A man who does not respond to the village's call to come to a General Assembly or some other requirement of the village will be fined 250 grosh.

[487] 15. A man who closes a gap which has always been in the hedge will be fined 150 grosh.

16. The chiefs are to meet in General Assembly once a year, one [623] week after St John's Day. Whoever does not conform to this decision will be fined 500 grosh.

[693] 17. 'Pledge elders' are not to take more than 10 grosh as their fee for a judgement, and commoners not more than 5 grosh.

[628] 18. Whoever murders his adversary after their feud has been compounded by order of the government will be fined 12 purses and expelled from the village and turned into a ghost.

681 19. A dog which enters a vineyard with a wooden collar on its neck
231 may not be killed. A dog which enters a vineyard or field without a wooden collar may be killed.

20. Whoever brings a house-dog with him to church or to Shpellë will be fined 50 grosh.

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[Covenant of Mat, 1942]



any political intriguers against the present régime who may be found within its territory. 681

2. If, after the conclusion of this covenant, one man kills another with or without just cause, his family shall be punished by the people of Mat with banishment from Mat for three years and his property, both movable and immovable, shall be confiscated and become state property. [672]

3. The same penalties shall be imposed on any man who runs off with a betrothed girl or a married woman.

4. When a domestic animal has been stolen and the thief cannot be found, the village to which the tracks lead must either pay the animal's value or prove that the tracks lead away from its land.

5. Whoever aids criminals and gives them food and shelter renders himself liable to the penalties detailed in clause 2.[1]

6. Whoever carries arms of any description without declaring them renders himself liable to the death penalty.

7. Whoever spreads false rumours about the policy of the State, public security or public finances to the detriment of the present régime and its policy shall be punished as laid down by the Lieutenant-General's decree No. 185.[2]

8. The people's representatives are to regulate and to examine all complaints which may be made concerning land, irrigation, water, roads and forests and if a commission succeeds in settling a dispute between two persons, the decision of the commission shall be inviolable. If it is contested, the contestants shall take the matter to the proper court. [692]

9. Land in Mat is generally held without regular title-deeds and ownership is proved by nothing but a written receipt (*senet*) and a meal according to the local custom. It appears that lately the ownership of properties bought 5, 10, 20 or 30 years ago with a receipt and a meal, as witnesses also confirm, is often disregarded or if regarded, is a constant source of disorders and murder. To put an end to such quarrelling the local Commission must not meddle with exchange of land so made until the Government has registered all the land according to the laws concerned. [1123]

10. The chairman of the Commission shall be the local sub-prefect, and its members the political secretary of the sub-prefecture, the gendarmerie commander, the Fascist Albanian militia's commander, and the representatives of the people who assist in drawing up the present covenant. [624]

11. It is learned that Communists or, as some call them, Bolshevists, have made their appearance among us. We must get rid of these persons. 681 665

[1] (Author's note. At this time the term 'criminals' included not only transgressors of the law but also patriots resisting Italian rule.)

[2] (Author's note. No copy of this decree can be found.)

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conference, it will be remembered, condemned both the Protestant Ecumenical Movement and the Vatican, "center of Fascism and of plots against the Slavic peoples." 795 659

The fact that the Primate, Archbishop Christopher Kissi, did not attend any of these assemblies was strongly indicative of a lack of appreciation for Communist conceptions of the role and functions of the Church. Indeed, it would have been strange if he had attended. The Orthodox Church, like all other religious bodies in Albania, had suffered from the Land Reform Law promulgated during August, 1945, which gave the Party the right to confiscate and nationalize property it has claimed elsewhere. By the close of 1948, Moslem and Orthodox ecclesiastics were completely dependent financially on the state. During the next year, the Archbishop was deposed and arrested. The government's published contention was that he "had worked against our interests and the interests of the people by collaborating with the Unitarian Church during the period of Fascist occupation." Two other prelates, Bishop Ireneo and Bishop Agathangjeli, were arrested. How many other members of the clergy have been taken into custody, deported to labor camps, or executed, no one knows. There is a report that Bishop Irenaeus Banushi was put to death during 1947. 793 661 [423]

However, the full fury of Hoxha's enmity fell upon the Roman Catholic Church. The Germans had withdrawn in November, 1944. A month later the government seized all printing establishments, and the Catholic press was abolished. At the same time a number of ecclesiastical offices were searched, and some members of the clergy were taken into custody. Religious youth organizations were banned, and only the Anti-fascist Youth Front, avowedly pro-Communist, was permitted to function. In February, 1945, the first "People's Court" to convene in Scutari sentenced one of the best known Al- 795 661 [883]